



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 107<sup>th</sup> CONGRESS, SECOND SESSION

Vol. 148

WASHINGTON, FRIDAY, MAY 24, 2002

No. 69

## Senate

The Senate was not in session today. Its next meeting will be held on Monday, June 3, 2002, at 1 p.m.

## House of Representatives

FRIDAY, MAY 24, 2002

The House met at 1 a.m. and was called to order by the Speaker pro tempore (Mr. SIMPSON).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
May 24, 2002.

I hereby appoint the Honorable MICHAEL K. SIMPSON to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,  
*Speaker of the House of Representatives.*

### PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:  
O God, You have kept Your covenant with every generation. In a world shadowed by the many infidelities and many inconsistencies of frail humanity, grant us faith in Your enduring love and patience with us.

Confirm the Members of the House of Representatives in Your power that they may accomplish the tasks You set before them.

Since You have called them to serve this great Nation, grant them the gifts they need to discern Your holy will and accomplish deeds of justice and integrity, today and every day of their lives. Amen.

### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the

last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. THORNBERRY) come forward and lead the House in the Pledge of Allegiance.

Mr. THORNBERRY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### PERSONAL EXPLANATION

Mr. LANGEVIN. Mr. Speaker, on rollcall No. 200, Obey amendment No. 52, and on rollcall No. 201, Obey amendment No. 51, I was unavoidably detained. Had I been present, I would have voted "aye" on both amendments.

### 2002 SUPPLEMENTAL APPROPRIATIONS ACT FOR FURTHER RECOVERY FROM AND RESPONSE TO TERRORIST ATTACKS ON THE UNITED STATES

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 431 ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 431

*Resolved*, That immediately upon the adoption of this resolution further consideration

of the bill (H.R. 4775) making supplemental appropriations for further recovery from and response to terrorist attacks on the United States for the fiscal year ending September 30, 2002, and for other purposes, shall proceed in the House. The bill shall be considered as read for amendment. In addition to the amendments considered as adopted pursuant to House Resolution 428, the further amendments adopted in the Committee of the Whole and the amendments printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

(Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Washington. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, H. Res. 431 would provide for the further consideration of H.R. 4775, the 2002 Supplemental Appropriations Act for Further Recovery and Response to Terrorist Attacks on the United States.

The rule provides that in addition to the amendments considered as adopted pursuant to House Resolution 428, the further amendments adopted in the Committee of the Whole and the

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



Printed on recycled paper.

H3039

amendments printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted. That simply strikes four provisions in the bill that are in violation of House rule XXI.

The rule further provides that the previous question shall be considered as ordered on the bill as amended to final passage without intervening motion except one motion to recommit, with or without instructions.

Mr. Speaker, H.R. 4775 is a bipartisan emergency wartime supplemental for the fiscal year 2002. We are here tonight under these extraordinary circumstances due to the urgent need to complete this legislation and ensure that our men and women in uniform have the necessary funding to continue to fight the war on terrorism.

Mr. Speaker, this is, again, an emergency supplemental. To ensure that all of my colleagues understand exactly why we are here tonight, I have brought a dictionary, "Webster's New Collegiate Dictionary," to make sure there is no confusion as to what we are talking about.

Let us look how this dictionary defines "emergency": (1) A serious situation or occurrence that happens unexpectedly and demands immediate attention; (2) A condition of urgent need for action or assistance.

What about "supplemental"? Let us see what the dictionary provides for that definition: (1) Something added to complete a thing, make up for a deficiency, or strengthen the whole.

Clearly all of my colleagues understand that this legislation meets the test on both counts. September 11, 2001, was surely an emergency, and this legislation is urgently needed to supplement the military and ensure that we are able to fight and win this war. And, Mr. Speaker, this is indeed a war.

This rule is necessary due to the extraordinary situation that the House was faced with. The Committee on Rules earlier granted an open rule, as we normally do on appropriations bills, with debate subject to the 5-minute rule. Any amendment that conformed with the regular rules of the House would have been in order.

Unfortunately, we have been debating H.R. 4775 since 6:23 p.m. Wednesday with over 16 hours spent on this debate, and we have disposed of a mere five amendments.

Regrettably, the other side of the aisle, perhaps not understanding the emergency and supplemental nature of this legislation, has slowed down this process. Therefore, we must come forward with a rule to ensure that this emergency legislation proceeds. To continue to delay will place in jeopardy the necessary funds to ensure that our men and women in uniform have the necessary resources to prosecute the war on terrorism, which we all support.

Accordingly, Mr. Speaker, I encourage my colleagues to support H. Res. 431 and the underlying bipartisan emergency wartime supplemental.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is very late, so I will not mince words. Democrats are as eager to vote for the bill that came out of the Committee on Appropriation as Republicans are. The underlying bill is still a good, bipartisan measure that supports the war on terrorism and homeland security. But by resorting to extraordinary, arrogant, and deceptive procedures tonight, the Republican leadership has sunk to a new low.

Mr. Speaker, the second rule is no better than the first rule the Committee on Rules reported out yesterday. Republicans are still using the war to hide from the American people their raid on Social Security. They are still trying to secretly turn your Social Security card into their credit card. They are still trying to charge billions of dollars more without even putting it through the credit card reader because they do not want a tell-tale receipt for their spending spree.

The only change, Mr. Speaker, is that Republicans have resorted to outrageous procedures to completely shut off debate tonight. Let me say that again: to completely shut off debate. Simply put, they do not like the fact that Democrats are exposing their attempt to politicize the war, drive the Nation into deeper debt, and keep raiding Social Security.

That is right, Mr. Speaker. As America prepares to celebrate Memorial Day, Republican leaders are shutting down democracy in the House of Representatives, and they are so ashamed that they waited until the cover of darkness to do it.

Well, they should be ashamed. Right now, the brave men and women of the U.S. military are halfway across the globe fighting for freedom and democracy in Afghanistan, and tonight the Republican leadership is here in Washington stomping out democracy in the House of Representatives.

But I suppose we should not be surprised, Mr. Speaker. After all, this has been a very bad 10 days for the Republican House. Republican leaders are scared to death by the vulnerability of their slim majority, so scared that they seem to be willing to do anything to cling to power. Last week, the press caught them using as a cheap fundraising prop an official photograph of the President taken on September 11. That, I think we would all agree, was a disgraceful display of political opportunism, one that does a tremendous disservice to the President and the country. But Republicans never apologized to the American people, so I assume they are still selling a piece of September 11 in order to pay for their congressional campaigns.

Then yesterday, Republican leaders brought their strategy of political war profiteering to the House floor. And they got caught once again. That was undoubtedly painful for the Republican

leadership, Mr. Speaker; but it was good for the House, because it has given us one more chance to stop them from politicizing the war.

Mr. Speaker, we all know it is wrong to use soldiers and seniors as political pawns. And we all know that that is precisely what this rule does.

So I urge my Republican friends to join me in opposing this rule, to join me in urging Republican leaders to stop holding this wartime spending bill hostage. Then we can all vote together, as a unified House of Representatives, to pass the original bipartisan bill that Democrats and Republicans both support.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished gentleman from Florida (Mr. DIAZ-BALART), a member of the Committee on Rules.

Mr. DIAZ-BALART. Mr. Speaker, I thank my colleague for yielding me time.

Mr. Speaker, how unfortunate it is that our colleagues on the other side of the aisle are accusing us of, in the words of my friend, the gentleman from Texas (Mr. FROST), "stomping out democracy," by bringing forth a rule to try to get a vote on a wartime supplemental appropriations bill.

After 16 hours of dilatory tactics, after 16 hours of delaying motions, delaying motion after delaying motion, we are accused of stomping out democracy because we want this House before Memorial Day to vote on a wartime supplemental appropriations bill.

I think it is most unfair for our colleagues on the other side of the aisle to adopt the attitude that they have adopted. The underlying legislation is extraordinarily needed. If there has ever been a need for legislation, it is to provide our men and women with the resources to continue to fight successfully, as they have, in defending this Nation, and to see hour after hour of dilatory tactics with absurd arguments, absurd arguments, which do not meet any test of the ridiculous. And to then accuse us, because we wish to get a vote on this wartime supplemental appropriations bill, to accuse us of stomping out democracy, is not serious; and it is not fair.

I am reminded of the words of the Spanish philosopher Ortega y Gasset, who said that "man is man plus his circumstances." I know that it is the circumstances of our friends on the other side of the aisle to be protesting. Perhaps it is the circumstances. The reality of the matter is that I know that our colleagues that are listening on their TV screens know that what we are doing is not only appropriate, but it is fair and it is necessary.

So after 16 hours of dilatory tactics, after 16 hours of wasting the time of our colleagues, what we are telling our friends on the other side of the aisle is that it is time to vote to get the aid to our men and women in uniform.

□ 0115

Mr. FROST. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, if the country of Cuba had a parliament or a legislature, they would be attempting to do exactly what the Republicans are doing tonight. They would give the dictator of that country the right to prevent that parliament from voting on an issue of whether or not to raise the debt, whether or not to put the country in debt. All we are asking for is the right to vote squarely on whether to put this country deeper in debt.

The Dallas Morning Newspaper in my home city, a very conservative newspaper, editorialized today against what the Republicans are doing, saying, shame on them. The Congress should vote directly on the question of putting this country deeper in debt, something which this rule prohibits us and prevents us from doing, just as they would in the Cuban parliament if there happened to be one.

Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, since we are pretending that this is a new legislative day, I thought the least I could do is pretend that I had gone home and put on a different set of clothes and freshen up a bit, and I think we might as well continue the pretense for a while.

This bill started out as a bipartisan wartime supplemental supported by both parties. Then, as they had previously done on so many other occasions, on patients' protection, on the energy bill, on airline security, on the Patriots Act, on pension reform and the welfare bill, the majority leadership decided to obliterate the legislative process. They discarded a bipartisan committee product, and they threw in unrelated partisan political items that characterized a full partisan agenda. They imposed a partisan unrelated budget resolution which pretends that they will spend \$10 billion less next year than they are asking us to spend in this bill this year. They also slipped in without a vote a sleight-of-hand, hidden debt increase of \$750 billion, and then they threw in enough special goodies for a few friends to get the votes to pass this shameful smorgasbord. They did it all to preserve their tax cut promises to the most well-off 2 percent of the population, promises that have turned surpluses into deficits as far as the eye can see, and deprived us of the dollars we need to strengthen Social Security and to make other crucial investments.

Now, the debate the last two days has been to try to get them to make this a real legislative debate about real choices. Instead, they have taken abusive power to a new level. The new rule invents the fiction of a new legislative day to destroy the legislative process even further.

What we are left with is not even a real debate. It is not even a real legislative product. This House is not be-

having like a real legislative body. It has been turned into an ATM machine for the most privileged which stays in power by abusing the legislative process to avoid any real voting record.

What a shame, when the legislative process is corrupted to polarize a product that should have been used to forge national unity. It belies the false pieties that we will undoubtedly hear tonight.

Our friends on the other side may say they are doing the best they can. As my old friend, Archy the Cockroach would say, "Hell's bells, Mehitabel. That is only an explanation. It is not an excuse."

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Alabama (Mr. CALLAHAN).

Mr. CALLAHAN. Mr. Speaker, if I could engage in a brief colloquy here to make a point of information. I know somewhere in that rule, all five of my amendments are included. My question is, are my amendments deemed to be in order?

Mr. HASTINGS of Washington. Mr. Speaker, if the gentleman will yield, I would say to the gentleman from Alabama, we took all amendments under consideration and we have come forward on this floor with what we think is a very fair rule for everybody that submitted an amendment to the Committee on Rules.

Mr. CALLAHAN. Mr. Speaker, a further inquiry here, since the gentleman has his Webster's dictionary here, would he look up and see if possibly I have been "reemed" instead of "deemed."

Mr. HASTINGS of Washington. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself 30 seconds. Before the gentleman from Alabama leaves the floor, I would point out to the gentleman that I know where his amendments are. They are in the wastebasket up there in the Committee on Rules. They did not give the gentleman from Alabama a vote on any of his five amendments.

Mr. Speaker, I yield one minute to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, on the eve of Memorial Day when we honor the heroes who made the supreme sacrifice for democracy, the Republicans are taking extraordinary efforts to shut off debate and stifle the democratic process. The Republican majority has desecrated a bill designed to support the troops, honor their mission, and help those affected so sadly by September 11. The Republicans dishonored this bill by their stealth attack on the Social Security fund.

It is no wonder the Republicans are ashamed to vote in the light of day in public on their secret \$750 billion increase in the debt ceiling, which is nec-

essary, of course, to cover their tax break for the rich at the expense of America's seniors who depend on Social Security.

Mr. Speaker, I urge my colleagues to vote against this closed rule, which is a sign of failure on the part of the Republicans to honor their commitment to the democratic process and to America's seniors.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield two minutes to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Speaker, this is a very serious process, and this process did not start here. It started in the battlefield in Afghanistan and in the fleet and in the expeditionary marine units that are engaged in war in a remote part of the world right now on behalf of the United States. What happens is the battlefield commanders send to their headquarters the requirements for those things that they need. They let them know if they need ammunition. They let them know if they need battlefield wound dressings. They let them know if they need spare parts. They send those things up through their chain of command and it comes up through the services and it comes up through the Pentagon and it is worked over by the folks who head the services, and they send it to the Subcommittee on Defense of the Committee on Appropriations, and they review it, and then we produce for the people who wear the uniform of the United States the equipment that they need to win the war.

Now, that is what they have done, and that is what this bill gives them. It gives them bombs and ordnance. It gives them these JDAM munitions which are very accurate. It gives them the Predator attack vehicles which have proved so successful on the battlefields. It gives the infantry ammunition, and they are low on ammunition right now. It gives them M-60 helicopters. It gives them what they need right down to those battlefield wound dressings. That is what we give them.

Now, we have had a great discussion today and every Member has had an opportunity to get up, Democrat or Republican, and give us his general views on the war, on life, on Memorial Day, on how we best remember those people who have served our country. The best way we can celebrate this Memorial Day is very simple. Let us give to our military folks the wherewithal to win this war. That is what we are doing. It is apparent that in doing this, we are going to have to go through a blockade, and this blockade has been a legislative blockade that has been put out here today. Let us roll the blockade. Let us supply the troops. This bill supplies the troops. Let us vote it up.

Mr. FROST. Mr. Speaker, I yield myself 15 seconds. If I understand the last speaker correctly and the other speakers before him, too much democracy in defense of democracy is a bad thing.

Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. Mr. Speaker, I thank the gentleman for yielding me this time. I would ask our friend from California what do 29 and one-tenth million dollars in Members' personal projects have to do with the war on terrorism? Like Americans all over this great Nation, I strongly support, as do all of my colleagues, Democrats and Republicans, the expenditure of supplemental funds that will help our military win the battle against terrorism. However, I cannot help but note that in our patriotic fervor, we are jeopardizing the future for our children and grandchildren by passing on an additional \$750 billion in debt. I can only hope that when history judges us and the decisions we make today are the bad ones we made yesterday, we are found wise and not ridiculous.

In the area of the ridiculous, I have noticed several items within this supplemental that for the life of me I cannot tie to the war on terrorism. For example, do all of our colleagues know that there are these 25 plus million dollars in Members' projects? Do our colleagues know that the supplemental money that is out here is for certain hospitals and schools, but not for all of them? To paraphrase my good friend from New York (Mr. RANGEL), are there any differences between a sick and uneducated child in Florida and one in Texas? What about the cuts in the bill? Do all of our colleagues realize that on page 99 of the bill, \$300 million is authorized for the revitalization of section 8 and section 202 senior housing are being rescinded? How about the cancellation of loan guarantees to our country's airlines? And do not tell me you did something. What you did was you protected grant money that is already gone, and you allowed loan guarantees for something that does not in the final analysis protect them.

What happens to USAir? What happens to Spirit Air and perhaps United? What happens when their employees tomorrow wake up and find that they do not have a job?

We did not get to do anything about election reform. I do not know whether my good friend and the dean of our delegation would have accepted my measure that I would have offered.

What we wound up doing here is adopting a bill that did not allow debate on debt relief, and then adopting a rule that did not allow what we did not adopt. How crazy can you be?

Mr. HASTINGS of Washington. Mr. Speaker, I reserve my time.

Mr. FROST. Mr. Speaker, I yield two minutes to the gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Mr. Speaker, I rise to oppose this undemocratic rule, and I stand here today to honor our troops who are putting their lives on the line to defend our freedom and our way of life. We Democrats support funding the war on terrorism and homeland secu-

rity, and if Republicans gave us a clean bill to fund just these efforts, we would have a unified House; a unified House.

But instead of supporting our troops, Republicans are playing politics, the very worst type of politics, with the futures of the very people who are protecting us. And yes, there is an emergency here, and that is the \$750 billion debt we are placing on America's children, seniors, families, and veterans.

Yes, I stand here today to honor our troops who are on the front line for freedom and those who have fought in the past to secure the freedoms we enjoy. But this House has a responsibility to protect these American heroes, and that is what we intend to do. That is why we Democrats are trying to do everything in our power to prevent Republicans from mortgaging the future of our fighting men and women by saddling them with a debt that will take generations to pay off, a debt that will raid Social Security and Medicare.

If my colleagues believe in this debt limit increase, if they believe in unbridled credit card spending, then vote for it and let those of us who oppose it vote against it and let the American people see who stands on what side.

Yes, our troops are defending our freedom, and freedom is about openness and democracy and responsibility, little of which we are seeing from the Republican side today. Democracy is not about martial law. If you want to honor our troops, then do not saddle them and their families with a mountain of debt. You want to honor our veterans, then do not threaten their Social Security and do not seek cover behind the bravery and valor of our troops to hide your own lack of conviction. Give us a vote up or down on how high America's debt will be and let us see where the people will stand.

Mr. Speaker, I yield back the \$750 billion you have saddled on America's future.

□ 0130

Mr. FROST. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Pennsylvania (Mr. MURTHA).

Mr. MURTHA. Mr. Speaker, I have a problem here with the 16-hour delay. This supplemental has been sitting here for 2 months, and we got it up, and we complain about 16 hours' delay?

The thing that worries me as much as anything is we have a shortfall on the National Guard of \$1.8 billion. We have those National Guard deployed. We have 78,000 National Guard deployed throughout the country, National Guard and Reserve.

We have taken the money out of that. The committee put it back in. The chairman of the committee could only squeeze back in \$800 million. We are now short almost \$1 billion for the National Guard. I am talking about the bill actually says we have to cut people on active duty by 14,000 people in order to make up for the shortfall.

Now, we say, okay, we are only talking here, or we are finagling around

here in order to get through so we have enough money. But it sends a terrible signal to the troops that we do not have confidence and we are going to cut. In other words, when we vote for this rule, we have eliminated \$800 million. We have not funded, I should say, \$1.8 billion to take care of people who are on active duty.

The National Guard called and they were bananas about the fact that we were cutting the National Guard by \$1.8 billion. We did the best we could do, and we put half the money back in. I am sure between the chairman, the ranking member, the chairmen of both committees, the ranking members, we will get that money back.

But the difficulty is that here we are to get through this thing, to get it over to the Senate, and we are actually voting to cut back on troops that are on active duty right now. Then we get criticized for 16 hours' debate, as if we are unpatriotic.

I have been here 16 hours listening to all this rhetoric about how unpatriotic people are. This is not what this is all about. This is about money for the troops.

The second thing, we have almost 8,000 employees in western Pennsylvania for USAir. I talked to the chairman about it; I talked to the chairman of the Republican political campaign. He has as much interest as I do, and the gentleman from Virginia (Mr. MORAN) has as much interest as I do. We are talking about real people.

We met today with the chairman of USAir. He is going to go bankrupt if this is not settled. Again, what have we done? We have taken money, or we put a limitation on the money. We thought we solved the problem, so USAir went to the banks. The banks said, no, this does not solve the problem. We will not be able to lend them money. So here we are tonight passing legislation which will mean that USAir could go bankrupt tomorrow or the next day.

I am sure if the chairman calls them tomorrow and says, look, we are going to straighten this out in conference, the problem is the Senate has gone home and they have passed the same legislation. The exact same wording in the legislation says that there is a restriction, and the banks will not lend them the money.

So we have a real problem here, for those of us who represent USAir. They have lost tremendous amounts of money in this latest disaster that we had. They shut down National for a long period of time. We restricted the flights all through the United States. We passed originally, when the height of this disaster occurred, we passed all kinds of money and said, this money is going to be available. All at once we put a restriction on when they can apply for a loan. It is disconcerting.

The other thing we have done, when we talk about delaying a supplemental, the military has a difficult time. The chairman of the full committee can tell us this. Every time we delay a supplemental, it means they have to take

money out of the fourth quarter, the most inefficient way to operate when we do not get that money to the services on time.

So here we are, and they said they needed the money in April. They are already borrowing money from the last quarter in order to pay the operating expenses for the military, the most inefficient way. Sometimes we cannot help it.

I know there are problems with this bill, but we are sending a terrible signal to 14,000 National Guard people who have been on active duty for a period of time. We are sending a signal to USAir where we have 9,000 or 10,000 people in western Pennsylvania whose jobs may be in jeopardy. I hope we will be able to solve this thing.

Most of the time, we can solve it in conference. But I worry as we go through the process, through the full committee, through the House, and then meeting with the Senate, that we will not be able to solve this problem because of the budgetary problem we have been putting ourselves in. I would ask the Members to vote against this rule and try to solve this problem.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Speaker, if we all remember last year, the supplemental was delayed and delayed and delayed; and finally it got up here very, very late. In fact, I introduced a supplemental to try to encourage one to be set up by the administration.

It is my understanding that this supplemental this year was delayed for 2 weeks because of the battle between the Department of Defense and OMB over this funding for the Guard and Reserve. So I would just say that the delay has been more on the side of the administration, its inability to get the supplemental up here on time. I think Congress has a right to debate this issue fully, particularly because of the extraneous matters that were added into this bill which should not have been here and were not here when it left the Committee on Appropriations.

But to try and say that somehow we have delayed this unreasonably is just flat out wrong.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I hope that every Member of this body votes with his or her eyes open on this rule, because I was in discussions when USAirways was assured they would be taken care of. They are taken care of in this rule. This rule prevents our being able to take out language which terminates the loan guarantee program that USAirways has told us they need to prevent insolvency.

Maybe it will not happen; maybe we will luck out. But from any of those Members that represent any one of those more than 200 cities served by this airline, this airline, that could not operate for 1 month out of National

Airport, where its headquarters is located, that had only partial service for 8 months, that now has 40,000 employees, many of whom have called Members' offices, wants all Members to know exactly what they are doing if they vote "yes" on this rule. They are voting to put them into jeopardy that may cause the loss of those jobs and the bankruptcy of that airline.

It may not be the biggest issue, but certainly the underhanded way in which the debt ceiling is lifted and any number of the other issues that have been raised may be.

But make no mistake what this rule does: it deliberately protects that provision which terminates the loan guarantee program, knowing that this airline was going to come in to get that loan and needed it by August. Many Members have been in those conversations, and they know exactly what they said. After all those assurances, we have turned our backs on them, and the Senate has, as well. If we go into conference, neither the House nor the Senate has allowed this.

Mr. FROST. Mr. Speaker, I yield myself 15 seconds.

Mr. Speaker, let us be very clear about what the people on the other side are arguing in favor of. They are arguing in favor of a 3-day week. They are complaining, oh, gee, we have spent 16 hours on that. We just finished Thursday. Most people work on Fridays. These folks do not want to work on Friday. They want a 3-day week, because we came in at 6:30 on Monday evening.

Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. ROEMER).

(Mr. ROEMER asked and was given permission to revise and extend his remarks.)

Mr. ROEMER. Mr. Speaker, we find ourselves here in the middle of the night voting on an emergency supplemental to help our brave Armed Forces fight and win a war because we were attacked; and 2,800 people, Americans, were killed in New York and at the Pentagon and in Pennsylvania.

I have offered two amendments this evening on rules to try to get an amendment offered for an independent blue ribbon commission to look at what happened and why.

I know we are going to win the war on terrorism, and I am so proud of the troops overseas. I know our intelligence community is going to continue to help us win this war and put people in jail overseas and freeze assets of the terrorists.

But I think it is also so important for us to look back, figure out what went wrong, and move forward and fix the problems; not to create a political blame game, not to blame the Clinton administration or the Bush administration, but to fix what went wrong yesterday and make it right for tomorrow, so that we do not have 2,800 people lose their lives again.

Eleven days after Pearl Harbor, President Roosevelt appointed a blue

ribbon commission. The Senate is asking for an independent blue ribbon commission in a bipartisan way.

Conservative Republican columnists like William Safire say that we need an independent commission. Let us move on it tomorrow. The Weekly Standard, a conservative Republican publication, says that we need one. So does George Will.

As we fight this war in a bipartisan way together, let us fix the broken system, not to point at who dropped the ball, but to fix the system for America tomorrow. I hope we can work on this in a bipartisan way.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, the only emergency addressed by this rule is the one created when they were caught in a sleight-of-hand to greatly accelerate the national debt. Having been caught, our Republican friends have put a new twist on an old maxim: if you cannot say anything good, just do not say anything. Their twist is, they do not have anything to say good in their defense for jeopardizing Social Security and Medicare, so they do not want anyone else to say anything, either.

They have used a harsh rule. They have used a rule and a tactic that is truly worthy of the parliament in some backwater dictatorship. This is really just the latest of outrages in this House, many of them that are best considered here late at night, best considered under the cover of darkness when the Republican leadership has something in which to hide its shame.

Their scheming is so very bad tonight they do not even know what day it is. Indeed, I can tell the Members one thing: for Democrats in this House, it is a new day. We have had enough shenanigans. We have had enough gimmicks. We have had enough antics here in this House, and we are going to be back. We are going to be back throughout this session again and again. We are going to be working together. We are going to stand up and speak out forcefully for America.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, try as I may to believe that this is another day, in fact, this is actually a day of crimes against democracy, a masquerade, with legislation before us that is filled with the privileges of Republicans who have amendments to take back home to shine.

We here today recognize that as we move towards Memorial Day, it will be a significant time for us. After September 11, we will honor both our dead as well as those who lost their lives on September 11. But what we will know most of all is that as we vote for this rule, for those who will, they will just

confirm that they will join the raiding of the Social Security surplus, \$1.8 trillion to be raided between the years of 2003 and 2012.

□ 0145

That is what this rule stands for, a complete ignoring of the responsibility, not only of Republicans and Democrats, but Members of this House, the responsibility to the people of United States of America to ensure that we save Social Security. And then, as I said, that is crime against democracy.

We had amendments, some two dozen of them. We did not do this bill. We only got up to part of title I to chapter 3, and there happens to be three titles. I had amendments. We seemed to be afraid to find out the facts.

Nobody is pointing the finger at what happened. We would like to know what happened so we can not repeat this in the future. Here we have an FBI memorandum that talks about individuals who are learning in our flight schools across America, but yet we had nothing to occur with that memorandum. I had an amendment that I had hoped would have focused us on getting a report to Congress to find out what happened. And yet even though we know there were FBI memoranda throughout the summer talking about the potential of this horrific and terrible act, no one seems to know what happened to those memoranda. I had amendments to address that question along with many others. And yet the shame and sham against democracy, we have shut it down, and here we are today acting like we are doing some work.

Mr. Speaker, I come before this honored House and the American people with a heavy heart. The questions surrounding what was known prior to September 11th continues to grow and multiply each day. It was discovered that in 1996 Philippine authorities notified the United States that Ramzi Yousef, the man behind the original 1993 World Trade Center bombing, was plotting to hijack an aircraft and crash it into CIA Headquarters in Langley, Virginia.

Consequently the analysis in a recent disclosure that an FBI agent in the Phoenix Office recommended last summer that his superiors look for al Qaeda members training at U.S. flight schools. The memo said bin Laden followers could be planning to use the training for some sort of terrorism. Additionally FBI agents in Minnesota were working on a tip from a Minnesota flight school, arrested Zacarias Moussaoui, a French citizen of Moroccan descent who wanted to learn to fly, but not land, a 747 airliner. The FBI's Minneapolis office was refused permission to search Moussaoui's laptop for clues. In a handwritten message, FBI Special Agent Kenneth Williams wrote that Moussaoui was the "type of person that could fly something into the World Trade Center." On August 16, 2001, the Federal Aviation Administration issued a message on "disguised weapons."

The combination of just these events shows the need for coordination and synchronization of efforts. We cannot leave an investigation of this matter to a behind-closed-doors review by

the intelligence community and Intelligence Committees. Our concerns are not ones of public relations or politics, but of substance and a commitment to ensuring that similar errors are prevented in the future.

This amendment will further the goal of requiring the DOJ to explain their procedures to Congress. The amendment does not require the FBI to disclose confidential sources or intelligence gathering techniques. Instead this amendment will provide Congress an opportunity to analyze coordination techniques.

Support this amendment and provide the security these two girls and the American people need.

Mr. FROST. Mr. Speaker, I yield two minutes to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Speaker, a few moments ago the gentleman from Florida spoke with great flourish suggesting that the debate on the rules are manufactured and unimportant. Nothing could be further from the truth. In fact, rules are the way a civilized society governs its conduct. We teach our children to play by the rules. We teach them fairness.

Mr. Jefferson saw the rules as a way of protecting the views of the minority against the abuses which the wantonness of power is too often apt to suggest to large and successful majorities, protecting the views of the minority for the good of the democracy against the wantonness of power which suggests itself to the majority.

This may not be a sexy or glamorous topic for the American people, but it has to do with how your government functions. It has to do with the free exchange of ideas. Jefferson did not say the purpose of the rules is to allow the majority party to work its will without resistance. He said the purpose of the rules is to also protect the minority opinion against the wantonness of power of the majority.

For too long, for too long this body has witnessed the wantonness of power manifested in the rules exercised by the majority. You may have the right to do that, but is it right to do that? Is it good for the country?

Mr. Jefferson also asked the following: He asked if it makes sense for one generation to charge the next with a debt, because if it does charge the next generation with a debt larger than it can repay, than the Earth belongs to the dead, not the living.

The rule question today was are we charging the next generation with a debt and thereby giving the Earth to the dead, not the living? Your rule is designed to stop that debate.

Mr. HASTINGS of Washington. Mr. Speaker, how much is remaining?

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Washington (Mr. HASTINGS) has 20½ minutes remaining. The gentleman from Texas (Mr. FROST) has 1½ minutes remaining.

Mr. HASTINGS of Washington. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have been in this House for a while and I seem to remember a former Speaker of this House on the other side of the aisle standing up repeatedly when he was in the minority and talking about the corruption of the majority. Corruption. That was his word, not mine. And I think what we see here today is the exact same situation that Speaker Gingrich complained about repeatedly when talking about Democrats.

We were in power for 40 years. He complained about the way we used our power. The Republicans have only been in power since 1995, for seven years. The Republican leadership, the Republican majority in this House, as evidenced by this rule today, is a corrupt majority.

Mr. Speaker, I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from California (Mr. DREIER), the chairman of the Committee on Rules, to close.

Mr. DREIER. Mr. Speaker, that certainly was a charming assessment of the work product that we have here.

Let me say what we are going to be doing right after we pass this rule with enthusiastic support from our side of the aisle. We are going to have something that did not exist when the wonderful party of Thomas Jefferson controlled this institution for the four decades before we won the majority in 1994. What we are going to have is a motion to recommit that will be offered by the minority party. How can it be called corrupt to guarantee a right to the minority?

James Madison talked about that right as an extraordinarily important right. And I will tell you I was privileged to serve in this institution in the minority for 14 years before we won the majority; and I have been very proud to have fought for minority rights. And I am not going to accuse either side of being corrupt. And I will tell you that I am proud of what it is that we have done. What we did with this rule is we provided an open amendment process so that any germane amendment could be offered. We said that we could have a full and lively debate. Well, it ended up being nothing more lively, Mr. Speaker; and it was lively but not full; and it was not full because we had vote after vote after vote which clearly delayed the opportunities for us to, in fact, have the kind of opportunity to get the assistance to our men and women in uniform who desperately need it.

And, yes, we have addressed a few other issues that we needed to address in this bill. That is what happens. And I do not think that any Member of the now-minority could stand up and say that when they were in the majority they did not address any of the concerns that existed for their Members.

So, Mr. Speaker, I think it is very important for us to, on the eve of the

Memorial Day celebration, when most of us will be in our districts going to honor the men and women who have given their lives for the United States of America, to pass this rule and pass this very important wartime supplemental appropriations bill so that we can do what every single American and every freedom-loving human being on the face of the Earth wants to do, and that is to win this war.

Mr. HASTINGS of Washington. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FROST. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 213, nays 201, not voting 21, as follows:

[Roll No. 204]

#### YEAS—213

Aderholt	English	Kingston
Akin	Everett	Kirk
Armey	Ferguson	Knollenberg
Bachus	Flake	Kolbe
Baker	Fletcher	LaHood
Ballenger	Foley	Latham
Barr	Forbes	Leach
Bartlett	Fossella	Lewis (CA)
Barton	Frelinghuysen	Lewis (KY)
Bass	Galleghy	LoBiondo
Bereuter	Ganske	Lucas (OK)
Biggert	Gekas	Manzullo
Bilirakis	Gibbons	McCrery
Blunt	Gilchrest	McHugh
Boehler	Gillmor	McInnis
Boehner	Gilman	McKeon
Bonilla	Goode	Mica
Bono	Goodlatte	Miller, Dan
Boozman	Goss	Miller, Gary
Brady (TX)	Graham	Miller, Jeff
Brown (SC)	Granger	Moran (KS)
Bryant	Graves	Morella
Burr	Green (WI)	Myrick
Buyer	Greenwood	Nethercutt
Callahan	Grucci	Ney
Calvert	Gutknecht	Northup
Camp	Hansen	Norwood
Cannon	Hart	Nussle
Cantor	Hastert	Osborne
Capito	Hastings (WA)	Ose
Castle	Hayes	Otter
Chabot	Hayworth	Oxley
Chambliss	Herger	Paul
Coble	Hilleary	Pence
Collins	Hobson	Peterson (PA)
Cooksey	Hoekstra	Petri
Cox	Horn	Pickering
Crane	Hostettler	Pitts
Crenshaw	Houghton	Platts
Cubin	Hulshof	Pombo
Culberson	Hunter	Portman
Cunningham	Hyde	Pryce (OH)
Davis, Jo Ann	Isakson	Putnam
Davis, Tom	Issa	Quinn
Deal	Istook	Ramstad
DeLay	Jenkins	Regula
DeMint	Johnson (CT)	Rehberg
Diaz-Balart	Johnson (IL)	Reynolds
Doolittle	Johnson, Sam	Riley
Dreier	Jones (NC)	Rogers (KY)
Duncan	Keller	Rogers (MI)
Dunn	Kelly	Rohrabacher
Ehlers	Kennedy (MN)	Ros-Lehtinen
Ehrlich	Kerns	Royce
Emerson	King (NY)	Ryan (WI)

Ryun (KS)  
Saxton  
Schaffer  
Schrock  
Sensenbrenner  
Sessions  
Shadegg  
Shaw  
Shays  
Sherwood  
Shimkus  
Shuster  
Simmons  
Simpson  
Skeen  
Smith (MI)

Smith (NJ)  
Smith (TX)  
Souder  
Stearns  
Stump  
Sullivan  
Sununu  
Sweeney  
Tancredo  
Tauzin  
Taylor (NC)  
Terry  
Thomas  
Thornberry  
Thune  
Tiahrt

Tiberi  
Toomey  
Upton  
Walden  
Walsh  
Wamp  
Watkins (OK)  
Watts (OK)  
Weldon (FL)  
Weller  
Wicker  
Wilson (NM)  
Wilson (SC)  
Wolf  
Young (AK)  
Young (FL)

#### NAYS—201

Abercrombie  
Ackerman  
Allen  
Andrews  
Baca  
Baird  
Baldacci  
Baldwin  
Barcia  
Barrett  
Becerra  
Bentsen  
Berkley  
Berman  
Berry  
Bishop  
Blagojevich  
Blumenauer  
Borski  
Boswell  
Boucher  
Boyd  
Brady (PA)  
Brown (FL)  
Brown (OH)  
Capps  
Capuano  
Cardin  
Carson (IN)  
Carson (OK)  
Clayton  
Clement  
Clyburn  
Conyers  
Costello  
Coyne  
Cummings  
Davis (CA)  
Davis (FL)  
Davis (IL)  
DeFazio  
DeGette  
Delahunt  
DeLauro  
Dicks  
Dingell  
Doggett  
Dooley  
Doyle  
Edwards  
Engel  
Eshoo  
Etheridge  
Evans  
Farr  
Fattah  
Filner  
Ford  
Frank  
Frost  
Gephardt  
Gonzalez  
Gordon  
Green (TX)  
Hall (OH)  
Hall (TX)  
Harman  
Hastings (FL)

Hefley  
Hill  
Hilliard  
Hinchey  
Hinojosa  
Hoeffel  
Holden  
Holt  
Honda  
Hooley  
Hoyer  
Inslee  
Israel  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jefferson  
John  
Johnson, E. B.  
Jones (OH)  
Kanjorski  
Kaptur  
Kennedy (RI)  
Kildee  
Kilpatrick  
Kind (WI)  
Klecza  
Kucinich  
LaFalce  
Lampson  
Langevin  
Lantos  
Larsen (WA)  
Larson (CT)  
Lee  
Levin  
Lewis (GA)  
Lofgren  
Lowey  
Lucas (KY)  
Luther  
Lynch  
Maloney (CT)  
Maloney (NY)  
Markay  
Mascara  
Matheson  
Matsui  
McCarthy (MO)  
McCarthy (NY)  
McCollum  
McDermott  
McGovern  
McKinney  
McNulty  
Meehan  
Meek (FL)  
Meeks (NY)  
Menendez  
Millender-  
McDonald  
Miller, George  
Mink  
Mollohan  
Moore  
Moran (VA)  
Murtha  
Nadler

Napolitano  
Neal  
Oberstar  
Obey  
Olver  
Ortiz  
Owens  
Pallone  
Pascrell  
Pastor  
Payne  
Pelosi  
Peterson (MN)  
Phelps  
Pomeroy  
Price (NC)  
Rahall  
Rangel  
Reyes  
Rivers  
Rodriguez  
Roemer  
Ross  
Rothman  
Roybal-Allard  
Rush  
Sabo  
Sanchez  
Sanders  
Sandlin  
Sawyer  
Schakowsky  
Schiff  
Scott  
Serrano  
Sherman  
Shows  
Skelton  
Slaughter  
Smith (WA)  
Snyder  
Solis  
Spratt  
Stark  
Stenholm  
Strickland  
Stupak  
Tanner  
Tauscher  
Taylor (MS)  
Thurman  
Tierney  
Towns  
Turner  
Udall (CO)  
Udall (NM)  
Velazquez  
Visclosky  
Waters  
Watson (CA)  
Watt (NC)  
Waxman  
Weiner  
Wexler  
Woolsey  
Wu  
Wynn

#### NOT VOTING—21

Bonior  
Burton  
Clay  
Combest  
Condit  
Cramer  
Crowley

Deutsch  
Gutierrez  
LaTourette  
Linder  
Lipinski  
McIntyre  
Radanovich  
Roukema  
Thompson (CA)  
Thompson (MS)  
Traficant  
Vitter  
Weldon (PA)  
Whitfield

#### □ 0215

Mr. KIND changed his vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to House Resolution 431, the House shall immediately proceed to further consideration of the bill (H.R. 4775) making supplemental appropriations for further recovery from and response to terrorist attacks on the United States for the fiscal year ending September 30, 2002, and for other purposes.

The Clerk read the title of the bill.

□ 0215

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to House Resolution 431, the bill is considered read for amendment. In addition to the amendments adopted pursuant to House Resolution 428, the amendments adopted in the Committee of the Whole and the amendments printed in House Report 107-486 are adopted.

The text of H.R. 4775, as amended pursuant to House Resolution 428 and House Resolution 431, is as follows:

H.R. 4775

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2002, and for other purposes, namely:

#### TITLE I—SUPPLEMENTAL APPROPRIATIONS

##### CHAPTER 1

#### DEPARTMENT OF AGRICULTURE

##### FOOD SAFETY AND INSPECTION SERVICE

For an additional amount for "Food Safety and Inspection Service", \$2,000,000, to remain available until expended: *Provided*, That the entire amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

##### FOOD AND NUTRITION SERVICE

#### SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For an additional amount for "Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)", \$75,000,000, to remain available until September 30, 2003, which shall be placed in reserve for use in only such amounts, and in such manner, as the Secretary determines necessary, notwithstanding section 17(i) of the Child Nutrition Act.

#### ANIMAL AND PLANT HEALTH INSPECTION SERVICE

##### SALARIES AND EXPENSES

For an additional amount for "Animal and Plant Health Inspection Service, Salaries and Expenses", \$10,000,000, to remain available until expended, to assist in State efforts to prevent and control transmissible spongiform encephalopathy, including bovine spongiform encephalopathy, chronic wasting disease, and scrapie, in farmed and free-ranging animals: *Provided*, That the entire amount shall be available only to the extent an official budget request, that includes



designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

##### FOOD AND DRUG ADMINISTRATION SALARIES AND EXPENSES

For an additional amount for "Food and Drug Administration, Salaries and Expenses", \$18,000,000, to remain available until expended: *Provided*, That the entire amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 102. Of the funds made available for the Export Enhancement Program, pursuant to section 301(e) of the Agricultural Trade Act of 1978, as amended by Public Law 104-127, not more than \$28,000,000 shall be available in fiscal year 2002.

#### CHAPTER 2 DEPARTMENT OF JUSTICE GENERAL ADMINISTRATION SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" for emergency expenses resulting from the September 11, 2001, terrorist attacks, \$5,750,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

##### LEGAL ACTIVITIES SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For an additional amount for "Salaries and Expenses" for emergency expenses resulting from the September 11, 2001, terrorist attacks, \$1,000,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

##### FEDERAL BUREAU OF INVESTIGATION SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" for emergency expenses resulting from the September 11, 2001, terrorist attacks, \$112,000,000, to remain available until September 30, 2004: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That \$102,000,000 shall be available only to the extent that an official budget request for a specific dollar amount that includes the designation of the entire amount of the request

as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

##### IMMIGRATION AND NATURALIZATION SERVICE SALARIES AND EXPENSES ENFORCEMENT AND BORDER AFFAIRS

For an additional amount for "Salaries and Expenses, Enforcement and Border Affairs" for emergency expenses resulting from the September 11, 2001, terrorist attacks, \$75,000,000, to remain available until expended: *Provided*, That none of the funds appropriated in this Act, or in Public Law 107-117, for the Immigration and Naturalization Service's Entry Exit System may be obligated until the INS submits a plan for expenditure that (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including OMB Circular A-11, part 3; (2) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government; (3) is reviewed by the General Accounting Office; and (4) has been approved by the Committees on Appropriations: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That \$40,000,000 shall be available only to the extent that an official budget request for a specific dollar amount that includes the designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

##### OFFICE OF JUSTICE PROGRAMS JUSTICE ASSISTANCE

For an additional amount for "Justice Assistance" for grants, cooperative agreements, and other assistance authorized by sections 819 and 821 of the Antiterrorism and Effective Death Penalty Act of 1996 and section 1014 of the USA PATRIOT Act (Public Law 107-56) and for other counter-terrorism programs, including first responder training and equipment to respond to acts of terrorism, including incidents involving weapons of mass destruction or chemical or biological weapons, \$175,000,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

##### DEPARTMENT OF COMMERCE AND RELATED AGENCIES RELATED AGENCIES OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" for emergency expenses for increased security requirements, \$1,100,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

#### DEPARTMENT OF COMMERCE

##### NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For an additional amount for "Scientific and Technical Research and Services" for emergency expenses resulting from new homeland security activities and increased security requirements, \$4,000,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

##### NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

##### FISHERIES FINANCE PROGRAM ACCOUNT

Funds provided under the heading, "Fisheries Finance Program Account" for the direct loan program authorized by the Merchant Marine Act of 1936, as amended, are available to subsidize gross obligations during fiscal year 2002 for the principal amount of direct loans not to exceed \$5,000,000 for Individual Fishing Quota loans, and not to exceed \$19,000,000 for Traditional loans.

##### DEPARTMENTAL MANAGEMENT SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" for emergency expenses resulting from new homeland security activities, \$400,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

#### THE JUDICIARY

##### SUPREME COURT OF THE UNITED STATES CARE OF THE BUILDING AND GROUNDS

For an additional amount for "Care of the Building and Grounds" for emergency expenses for the Supreme Court building, \$10,000,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

##### COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" for emergency expenses to enhance security and to provide for extraordinary costs related to terrorist trials, \$6,258,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That \$3,115,000 shall be available only to the extent that an official budget request for a specific dollar amount that includes the designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

##### DEPARTMENT OF STATE AND RELATED AGENCY

##### DEPARTMENT OF STATE

##### ADMINISTRATION OF FOREIGN AFFAIRS DIPLOMATIC AND CONSULAR PROGRAMS

For an additional amount for "Diplomatic and Consular Programs" for emergency expenses for activities related to combating international terrorism, \$51,050,000, to remain available until September 30, 2003: *Provided*, That the entire amount is designated



by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

#### EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For an additional amount for "Educational and Cultural Exchange Programs" for emergency expenses for activities related to combating international terrorism, \$20,000,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That \$10,000,000 shall be available only to the extent that an official budget request for a specific dollar amount that includes the designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

#### EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For an additional amount for "Embassy Security, Construction, and Maintenance", for emergency expenses for activities related to combating international terrorism, \$200,516,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

#### INTERNATIONAL ORGANIZATIONS AND CONFERENCES

##### CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For an additional amount for "Contributions to International Organizations" for emergency expenses for activities related to combating international terrorism, \$7,000,000, to remain available until September 30, 2003: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

##### CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For an additional amount for "Contributions for International Peacekeeping Activities" to make United States peacekeeping payments to the United Nations at a time of multilateral cooperation in the war on terrorism, \$43,000,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

#### RELATED AGENCY

##### BROADCASTING BOARD OF GOVERNORS

##### INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for "International Broadcasting Operations" for emergency expenses for activities related to combating international terrorism, \$7,400,000, to remain available until September 30, 2003: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

##### BROADCASTING CAPITAL IMPROVEMENTS

For an additional amount for "Broadcasting Capital Improvements" for emergency expenses for activities related to combating international terrorism, \$7,700,000, to remain available until expended: *Provided*, That the entire amount is designated by the

Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

#### RELATED AGENCIES

##### SECURITIES AND EXCHANGE COMMISSION

##### SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" for additional staffing to respond to increased needs for enforcement and oversight of corporate finance, \$20,000,000 from fees collected in fiscal year 2002, to remain available until expended.

In addition, for an additional amount for "Salaries and Expenses" for emergency expenses resulting from the September 11, 2001, terrorist attacks, \$9,300,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

#### GENERAL PROVISIONS

SEC. 201. Funds appropriated by this Act for the Broadcasting Board of Governors and the Department of State may be obligated and expended notwithstanding section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, section 15 of the State Department Basic Authorities Act of 1956, as amended, and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

SEC. 202. Section 286(e)(3) of the Immigration and Nationality Act (8 U.S.C. 1356(e)(3)) is amended—

(1) by striking "is authorized to" and inserting "shall"; and

(2) by striking "authorization" and inserting "requirement".

SEC. 203. (a)(1) During fiscal year 2002 and each succeeding fiscal year, notwithstanding any provision of the Federal Rules of Criminal Procedure to the contrary, in order to permit victims of crimes associated with the terrorist acts of September 11, 2001, to watch trial proceedings in the criminal case against Zacarias Moussaoui, the trial court in that case shall order, subject to paragraph (3) and subsection (b), closed circuit televising of the trial proceedings to convenient locations the trial court determines are reasonably necessary, for viewing by those victims.

(2)(A) As used in this section and subject to subparagraph (B), the term "victims of crimes associated with the terrorist acts of September 11, 2001" means individuals who—

(i) suffered direct physical harm as a result of the terrorist acts that occurred in New York, Pennsylvania and Virginia on September 11, 2001 (hereafter in this section "terrorist acts") and were present at the scene of the terrorist acts when they occurred, or immediately thereafter; or

(ii) are the spouse, legal guardian, parent, child, brother, or sister of, or who as determined by the court have a relationship of similar significance to, an individual de-

scribed in subparagraph (A)(i), if the latter individual is under 18 years of age, incompetent, incapacitated, has a serious injury, or disability that requires assistance of another person for mobility, or is deceased.

(B) The term defined in paragraph (A) shall not apply to an individual who participated or conspired in one or more of the terrorist acts.

(3) Nothing in this section shall be construed to eliminate or limit the district court's discretion to control the manner, circumstances, or availability of the broadcast where necessary to control the courtroom or protect the integrity of the trial proceedings or the safety of the trial participants. The district court's exercise of such discretion shall be entitled to substantial deference.

(b) Except as provided in subsection (a), the terms and restrictions of section 235(b), (c), (d) and (e) of the Antiterrorism and Effective Death Penalty Act of 1996 (42 U.S.C. 10608(b), (c), (d), and (e)), shall apply to the televising of trial proceedings under this section.

SEC. 204. For purposes of section 201(a) of the Federal Property and Administrative Services Act of 1949 (relating to Federal sources of supply, including lodging providers, airlines and other transportation providers), the Eisenhower Exchange Fellowship Program shall be deemed an executive agency for the purposes of carrying out the provisions of 20 U.S.C. 5201, and the employees of and participants in the Eisenhower Exchange Fellowship Program shall be eligible to have access to such sources of supply on the same basis as employees of an executive agency have such access.

#### CHAPTER 3

#### DEPARTMENT OF DEFENSE—MILITARY MILITARY PERSONNEL

##### MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", \$206,000,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

##### OPERATION AND MAINTENANCE

##### OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", \$226,000,000, to remain available for obligation until September 30, 2003: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That \$119,000,000 shall be available only to the extent that an official budget request for \$119,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

##### OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and Maintenance, Navy", \$53,750,000, to remain available for obligation until September 30, 2003: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That \$17,250,000 shall be available only to the extent that an official budget request for \$17,250,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

## OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", \$60,500,000, to remain available for obligation until September 30, 2003: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That \$19,500,000 shall be available only to the extent that an official budget request for \$19,500,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

## OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for "Operation and Maintenance, Defense-Wide", \$751,975,000, to remain available for obligation until September 30, 2003, of which \$420,000,000 may be used, notwithstanding any other provision of law, for payments to Pakistan, Jordan, and other key cooperating nations for logistical and military support provided to United States military operations in connection with the Global War on Terrorism: *Provided*, That such payments may be made in such amounts as the Secretary may determine, in accordance with standard accounting practices and procedures, in consultation with the Director of the Office of Management and Budget and 15 days following notification to the appropriate Congressional committees: *Provided further*, That amounts for such payments shall be in addition to any other funds that may be available for such purpose: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That \$12,975,000 shall be available only to the extent that an official budget request for \$12,975,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

DEFENSE EMERGENCY RESPONSE FUND  
(INCLUDING TRANSFER OF FUNDS)

For an additional amount for the "Defense Emergency Response Fund", \$12,693,972,000, to remain available for obligation until September 30, 2003, of which \$77,900,000 shall be available for enhancements to North American Air Defense Command capabilities: *Provided*, That the Secretary of Defense may transfer the funds provided in this paragraph only to appropriations for military personnel; operation and maintenance; procurement; the Defense Health Program; and working capital funds: *Provided further*, That notwithstanding the preceding proviso, \$100,000,000 of the funds provided under this heading are available for transfer to any other appropriations accounts of the Department of Defense, for certain classified activities, and notwithstanding any other provision of law, such funds may be obligated to carry out projects not otherwise authorized by law: *Provided further*, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period as the appropriation to which transferred: *Provided further*, That the transfer authority provided in this paragraph is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not nec-

essary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That \$1,393,972,000 shall be available only to the extent that an official budget request for \$1,393,972,000 that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

## PROCUREMENT

## OTHER PROCUREMENT, ARMY

For an additional amount for "Other Procurement, Army", \$79,200,000, to remain available for obligation until September 30, 2004: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

## AIRCRAFT PROCUREMENT, NAVY

For an additional amount for "Aircraft Procurement, Navy", \$22,800,000, to remain available for obligation until September 30, 2004: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

PROCUREMENT OF AMMUNITION, NAVY AND  
MARINE CORPS

For an additional amount for "Procurement of Ammunition, Navy and Marine Corps", \$262,000,000, to remain available for obligation until September 30, 2004: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

## OTHER PROCUREMENT, NAVY

For an additional amount for "Other Procurement, Navy", \$2,500,000, to remain available for obligation until September 30, 2004: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

## PROCUREMENT, MARINE CORPS

For an additional amount for "Procurement, Marine Corps", \$3,500,000, to remain available for obligation until September 30, 2004: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

## AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for "Aircraft Procurement, Air Force", \$129,500,000, to remain available for obligation until September 30, 2004: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That \$36,500,000 shall be available only to the extent that an official budget request for \$36,500,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

## PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for "Procurement of Ammunition, Air Force",

\$115,000,000, to remain available for obligation until September 30, 2004: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

## OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other Procurement, Air Force", \$735,340,000, to remain available for obligation until September 30, 2004: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

## PROCUREMENT, DEFENSE-WIDE

For an additional amount for "Procurement, Defense-Wide", \$104,425,000, to remain available for obligation until September 30, 2004: *Provided*, That funds may be used to purchase vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles, but not to exceed \$175,000 per vehicle: *Provided further*, That \$99,500,000 is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RESEARCH, DEVELOPMENT, TEST AND  
EVALUATIONRESEARCH, DEVELOPMENT, TEST AND  
EVALUATION, ARMY

For an additional amount for "Research, Development, Test and Evaluation, Army", \$8,200,000, to remain available for obligation until September 30, 2003: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RESEARCH, DEVELOPMENT, TEST AND  
EVALUATION, NAVY

For an additional amount for "Research, Development, Test and Evaluation, Navy", \$9,000,000, to remain available for obligation until September 30, 2003: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RESEARCH, DEVELOPMENT, TEST AND  
EVALUATION, AIR FORCE

For an additional amount for "Research, Development, Test and Evaluation, Air Force", \$99,800,000, to remain available for obligation until September 30, 2003: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That \$39,000,000 shall be available only to the extent that an official budget request for \$39,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

RESEARCH, DEVELOPMENT, TEST AND  
EVALUATION, DEFENSE-WIDE

For an additional amount for "Research, Development, Test and Evaluation, Defense-Wide", \$72,000,000, to remain available for obligation until September 30, 2003: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That

\$20,000,000 shall be available only to the extent that an official budget request for \$20,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

#### GENERAL PROVISIONS—THIS CHAPTER

SEC. 301. (a) The appropriation under the heading "Research, Development, Test and Evaluation, Navy" in the Department of Defense Appropriations Act, 2002 (Public Law 107-117) is amended by adding the following proviso immediately after "September 30, 2003": "Provided, That funds appropriated in this paragraph which are available for the V-22 may be used to meet unique requirements of the Special Operations Forces". (b) The amendment made by subsection (a) shall be effective as if enacted as part of the Department of Defense Appropriations Act, 2002.

#### (INCLUDING TRANSFER OF FUNDS)

SEC. 302. During the current fiscal year, amounts in or credited to the Defense Cooperation Account under 10 U.S.C. 2608(b) shall be available for transfer, obligation and expenditure, consistent with the purposes for which such amounts were contributed and accepted, by the Secretary of Defense to such appropriations or funds of the Department of Defense as the Secretary shall determine, to be merged with and to be available for the same purposes and the same time period as the appropriation or fund to which transferred: *Provided*, That the Secretary shall provide written notification to the congressional defense committees 30 days prior to such transfer: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the Secretary of Defense shall report to the Congress quarterly all transfers made pursuant to this authority.

SEC. 303. During fiscal year 2002, the President may continue to provide assistance to Russia under cooperative threat reduction programs and under title V of the Freedom Support Act (Public Law 102-511; 106 Stat. 3338) without regard to the certification requirements in section 1203(d) of the Cooperative Threat Reduction Act of 1993 (22 U.S.C. 5952 (d)) and section 502 of the Freedom Support Act (22 U.S.C. 5852) if the President submits to the Speaker of the House of Representatives and the President pro tempore of the Senate a certification that providing such assistance is vital to the national security interests of the United States.

SEC. 304. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414): *Provided*, That any funds appropriated or transferred to the Central Intelligence Agency for agent operations or covert action programs authorized by the President under section 503 of the National Security Act of 1947, as amended, shall remain available until September 30, 2003.

SEC. 305. Section 8005 of the Department of Defense Appropriations Act, 2002 (division A of Public Law 107-117; 115 Stat. 2247), is amended by striking "May 1, 2002" before the period at the end and inserting "June 15, 2002".

SEC. 306. (a) Funds appropriated to the Department of Defense for fiscal year 2002 for operation and maintenance under the head-

ing "Chemical Agents and Munitions Destruction, Army", may be used to pay for additional costs of international inspectors from the Technical Secretariat of the Organization for the Prohibition of Chemical Weapons, pursuant to Articles IV and V of the Chemical Weapons Convention, for inspections and monitoring of Department of Defense sites and commercial sites that perform services under contract to the Department of Defense, resulting from the Department of Defense's program to accelerate its chemical demilitarization schedule.

(b) Expenses which may be paid under subsection (a) include—

(1) salary costs for performance of inspection and monitoring duties;

(2) travel, including travel to and from the point of entry into the United States and internal United States travel;

(3) per diem, not to exceed United Nations rates and in compliance with United Nations conditions for per diem for that organization; and

(4) expenses for operation and maintenance of inspection and monitoring equipment.

SEC. 307. (a) In fiscal year 2002, funds available to the Department of Defense for assistance to the Government of Colombia shall be available to support a unified campaign against narcotics trafficking, against activities by organizations designated as terrorist organizations such as the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), and the United Self-Defense Forces of Colombia (AUC), and to take actions to protect human health and welfare in emergency circumstances, including undertaking rescue operations.

(b) The provision shall also apply to unexpended balances and assistance previously provided from prior years' Acts available for purposes identified in subsection (a).

(c) The authority in this section is in addition to authorities currently available to provide assistance to Colombia.

SEC. 308. In addition to amounts appropriated or otherwise made available elsewhere in this Act for the Department of Defense or in the Department of Defense and Emergency Supplemental Appropriations for Recovery from and Response to Terrorist Attacks on the United States Act, 2002 (Public Law 107-117), \$93,000,000, to remain available until September 30, 2004, is hereby appropriated to the Department of Defense for the procurement of three MH-47 Chinook helicopters, as follows: "Aircraft Procurement, Army", \$63,000,000; and "Procurement, Defense-Wide", \$30,000,000: *Provided*, That the entire amount made available in this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request for \$93,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

SEC. 309. In addition to amounts appropriated or otherwise made available elsewhere in this Act for the Department of Defense or in the Department of Defense and Emergency Supplemental Appropriations for Recovery from and Response to Terrorist Attacks on the United States Act, 2002 (Public Law 107-117), \$100,000,000, to remain available until September 30, 2003, is hereby appropriated to the Department of Defense under the heading "Chemical Agents and Munitions Destruction, Army" for Research, development, test and evaluation, for the pur-

pose of chemical agent destruction at Department of Defense facilities in Aberdeen, Maryland, and Newport, Indiana: *Provided*, That the entire amount made available in this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request for \$100,000,000, that includes designation of the entire amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

#### (RESCISSIONS)

SEC. 310. Of the funds available in Department of Defense Appropriations Acts or otherwise available to the Department of Defense, the following funds are hereby rescinded, from the following accounts in the specified amounts:

"Other Procurement, Air Force", 2001/2003, \$29,000,000; and "Procurement, Defense-Wide", 2002/2004, \$30,000,000.

SEC. 311. Section 2533a of title 10, United States Code, shall not apply to any transaction entered into to acquire or sustain aircraft under the authority of section 8159 of the Department of Defense Appropriations Act, 2002 (division A of Public Law 107-117; 115 Stat. 2284).

SEC. 312. Notwithstanding any other provision of law, not to exceed \$100,000,000, from appropriations available to the Department of Defense from the "Defense Emergency Response Fund", may be made available only to reimburse foreign nations for the costs of goods, services, or use of facilities provided in direct support of operations by U.S. military forces in the global war on terrorism: *Provided*, That such reimbursements shall be determined and paid in accordance with standard accounting practices and procedures: *Provided further*, That the Secretaries of Defense and State shall jointly provide a written notification to the Committees on Appropriations of the House of Representatives and the Senate 15 days prior to any proposed commitment and obligation of funds pursuant to this section, describing each proposed use of funds and the proposed sources of funds: *Provided further*, That funds proposed for obligation pursuant to the immediately preceding proviso shall not be made available for obligation without the prior approval of the Committees on Appropriations.

#### CHAPTER 4

##### DISTRICT OF COLUMBIA

##### DISTRICT OF COLUMBIA FUNDS

##### OPERATING EXPENSES

##### DIVISION OF EXPENSES

##### GOVERNMENTAL DIRECTION AND SUPPORT

The paragraph under this heading in the District of Columbia Appropriations Act, 2002 (Public Law 107-96) is amended by striking: "Provided further, That not less than \$353,000 shall be available to the Office of the Corporation Counsel to support increases in the Attorney Retention Allowance:" and inserting: "Provided further, That not less than \$353,000 shall be available to the Office of the Corporation Counsel to support attorney compensation consistent with performance measures contained in a negotiated collective bargaining agreement:".

##### PUBLIC EDUCATION SYSTEM

##### (RESCISSION)

Notwithstanding any other provision of law, of the local funds appropriated under this heading for public charter schools for the fiscal year ending September 30, 2002, in the District of Columbia Appropriations Act,

2002, approved December 21, 2001 (Public Law 107-96; 115 Stat. 935), \$37,000,000 are rescinded.

#### HUMAN SUPPORT SERVICES

For an additional amount for "human support services", \$37,000,000 from local funds: *Provided*, That \$11,000,000 shall be for the Child and Family Services Agency and \$26,000,000 shall be for the Department of Mental Health.

#### REPAYMENT OF LOANS AND INTEREST (RESCISSION)

Of the funds appropriated under this heading in the District of Columbia Appropriations Act, 2002 (Public Law 107-96, 115 Stat. 940), \$7,950,000 are rescinded.

#### CERTIFICATES OF PARTICIPATION

For principal and interest payments on the District's Certificates of Participation, issued to finance the One Judiciary Square ground lease underlying the building located at One Judiciary Square, \$7,950,000 from local funds.

#### ADMINISTRATIVE PROVISION

Section 119(b) of the District of Columbia Appropriations Act, 2002 (Public Law 107-96; 115 Stat. 950) is amended to read as follows:

"(b) REQUIREMENT OF CHIEF FINANCIAL OFFICER REPORT AND COUNCIL APPROVAL.—

"(1) No such Federal, private, or other grant may be accepted, obligated, or expended pursuant to subsection (a) until—

"(A) the Chief Financial Officer of the District of Columbia submits to the Council a report setting forth detailed information regarding such grant; and

"(B) the Council has reviewed and approved the acceptance, obligation, and expenditure of such grant.

"(2) For purposes of paragraph (1)(B), the Council shall be deemed to have reviewed and approved the acceptance, obligation, and expenditure of a grant if—

"(A) no written notice of disapproval is filed with the Secretary of the Council within 14 calendar days of the receipt of the report from the Chief Financial Officer under paragraph (1)(A); or

"(B) if such a notice of disapproval is filed within such deadline, the Council does not by resolution disapprove the acceptance, obligation, or expenditure of the grant within 30 calendar days of the initial receipt of the report from the Chief Financial Officer under paragraph (1)(A)."

#### GENERAL PROVISIONS—THIS CHAPTER

SEC. 401. The District of Columbia may use up to 1 percent of the funds appropriated to the District of Columbia under the Emergency Supplemental Act, 2002, approved January 10, 2002 (Public Law 107-117; 115 Stat. 2230), to fund the administrative costs that are needed to fulfill the purposes of that Act. The District may use these funds for this purpose as of January 10, 2002.

SEC. 402. Section 16(d)(2) of the Victims of Violent Crime Compensation Act of 1996 (sec. 4-515(d)(2), D.C. Official Code), as amended by the District of Columbia Appropriations Act, 2002, approved December 21, 2001 (Public Law 107-96; 115 Stat. 928) is amended to read as follows: "(2) 50 percent of such balance shall be transferred from the Fund to the Mayor and shall be used without fiscal year limitation for outreach activities designed to increase the number of crime victims who apply for such direct compensation payments."

SEC. 403. (a) Notwithstanding any other provision of law, the positive fund balance of the general fund of the District government which remained at the end of fiscal year 2000 (as reflected in the complete financial statement and report on the activities of the District government for such fiscal year under section 448(a)(4) of the District of Columbia

Home Rule Act) shall be used during fiscal year 2002 to provide the minimum balances required for fiscal year 2002 for the emergency reserve fund under section 450A of the District of Columbia Home Rule Act and the contingency reserve fund under section 450B of such Act.

(b) To the extent that the amount of the positive fund balance described in subsection (a) exceeds the amount required to provide the minimum balances in the reserve funds described in such subsection, the District government shall use the excess amount—

(1) to address potential deficits in the budget of the District government for fiscal year 2002, subject to the same conditions applicable under section 202(j)(3) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 to the obligation and expenditure of the budget reserve and cumulative cash reserve under such section; or

(2) if the Chief Financial Officer of the District of Columbia certifies that the excess amount is available and is not required to address potential deficits in the budget of the District government for fiscal year 2002, for Pay-As-You-Go Capital Funds.

(c) To the extent that the excess amount described in subsection (b) is used to address potential deficits in the budget of the District government for fiscal year 2002, such amount shall remain available until expended.

(d)(1) The item relating to "District of Columbia Funds—Operating Expenses—Repayment of Loans and Interest" in the District of Columbia Appropriations Act, 2002 (Public Law 107-96; 115 Stat. 940) is amended by striking "That any funds set aside" and all that follows through "That for equipment leases," and inserting "That for equipment leases."

(2) Section 159(c) of the District of Columbia Appropriations Act, 2001 (Public Law 106-522; 114 Stat. 2482), as amended by section 133(c) of the District of Columbia Appropriations Act, 2002 (Public Law 107-96; 115 Stat. 956) is amended by striking paragraph (3).

#### CHAPTER 5

#### DEPARTMENT OF DEFENSE—CIVIL

#### DEPARTMENT OF THE ARMY

#### CORPS OF ENGINEERS—CIVIL

#### OPERATION AND MAINTENANCE, GENERAL

For an additional amount for "Operation and Maintenance, General" for emergency expenses related to security at Corps of Engineers facilities, \$128,400,000, to remain available until September 30, 2003: *Provided*, That the entire amount shall be available only to the extent an official budget request for \$128,400,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That funds made available under this heading in this Act and in Public Law 107-117 may be used to fund measures and activities undertaken by the Secretary of the Army, acting through the Chief of Engineers, to protect and secure any infrastructure owned or operated by, or on behalf of, the U.S. Army Corps of Engineers, including administrative buildings and facilities.

#### DEPARTMENT OF ENERGY

#### ENERGY PROGRAMS

#### SCIENCE

For an additional amount for "Science" for emergency expenses necessary to support

safeguards and security activities, \$29,000,000: *Provided*, That the entire amount shall be available only to the extent an official budget request for \$29,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

#### NATIONAL NUCLEAR SECURITY ADMINISTRATION

#### WEAPONS ACTIVITIES

For an additional amount for "Weapons Activities" for emergency expense resulting from the September 11, 2001, terrorist attacks, \$125,400,000: *Provided*, That \$106,000,000 shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

#### DEFENSE NUCLEAR NONPROLIFERATION

For an additional amount for "Defense Nuclear Nonproliferation" for international safeguards activities, \$5,000,000: *Provided*, That the entire amount shall be available only to the extent an official budget request for \$5,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

#### ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

#### DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

For an additional amount for "Defense Environmental Restoration and Waste Management" for emergency expenses necessary to support safeguards and security activities, \$67,000,000: *Provided*, That the entire amount shall be available only to the extent an official budget request for \$67,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

#### DEFENSE FACILITIES CLOSURE PROJECTS

For an additional amount for "Defense Facilities Closure Projects" for emergency expense necessary to support safeguards and security activities, \$16,600,000: *Provided*, That the entire amount shall be available only to the extent an official budget request for \$16,600,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control

Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

#### OTHER DEFENSE ACTIVITIES

For an additional amount for "Other Defense Activities" for emergency expenses necessary to support energy security and assurance activities, \$7,000,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

#### CHAPTER 6

##### BILATERAL ECONOMIC ASSISTANCE

##### FUNDS APPROPRIATED TO THE PRESIDENT UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

##### CHILD SURVIVAL AND HEALTH PROGRAMS FUND

For an additional amount for "Child Survival and Health Programs Fund" for emergency expenses for activities related to combating AIDS, tuberculosis, and malaria, \$200,000,000, to remain available until December 30, 2002: *Provided*, That funds appropriated in this Act and in prior Acts under this heading and under the heading "Child Survival and Disease Programs Fund" and made available for the Global Fund to Fight AIDS, Tuberculosis, and Malaria shall not exceed 40 percent of the total resources pledged by all donors to the Global Fund for calendar year 2002: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount provided shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

##### INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for "International Disaster Assistance" for emergency expenses for activities related to combating international terrorism, \$190,000,000, to remain available until September 30, 2003: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount provided shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

##### OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For an additional amount for "Operating Expenses of the United States Agency for International Development" for emergency expenses for activities related to combating international terrorism, \$7,000,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

##### OTHER BILATERAL ECONOMIC ASSISTANCE ECONOMIC SUPPORT FUND

For an additional amount for "Economic Support Fund" for emergency expenses for

activities related to combating international terrorism, \$460,000,000, to remain available until September 30, 2003: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That funds appropriated under this heading, and funds appropriated under this heading in prior Acts that are made available for the purposes of this paragraph, may be made available notwithstanding section 512 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2002 or any similar provision of law.

In addition, for an additional amount for "Economic Support Fund", \$250,000,000, to remain available until September 30, 2003: *Provided*, That \$200,000,000 of the funds appropriated in this paragraph shall be made available for assistance for Israel for activities relating to combating international terrorism: *Provided further*, That \$50,000,000 of the funds appropriated in this paragraph shall be transferred to "International Disaster Assistance" to be made available for humanitarian and refugee assistance for the West Bank and Gaza: *Provided further*, That none of the funds provided in the preceding proviso shall be available for assistance for the Palestinian Authority: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount provided shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

##### ASSISTANCE FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION

For an additional amount for "Assistance for the Independent States of the Former Soviet Union" for emergency expenses for activities related to combating international terrorism, \$110,000,000, to remain available until September 30, 2003: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

##### DEPARTMENT OF STATE

##### INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for "International Narcotics Control and Law Enforcement" for emergency expenses for activities related to combating international terrorism, \$120,000,000, to remain available until September 30, 2003: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

##### MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for "Migration and Refugee Assistance" for emergency expenses for activities related to combating international terrorism, \$10,000,000, to remain available until September 30, 2003: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount provided shall be available only to the extent an official budget request that includes designation of

the entire amount of the request as an emergency requirement as defined of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

##### NONPROLIFERATION, ANTI-TERRORISM, DEMING AND RELATED PROGRAMS

For an additional amount for "Nonproliferation, Anti-Terrorism, Demining and Related Programs" for emergency expenses for activities related to combating international terrorism, \$83,000,000, to remain available until September 30, 2003: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

##### MILITARY ASSISTANCE

##### FUNDS APPROPRIATED TO THE PRESIDENT

##### FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for "Foreign Military Financing Program" for emergency expenses for activities related to combating international terrorism, \$366,500,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That funds appropriated under this heading, and funds appropriated under this heading in prior Acts that are made available for the purposes of this paragraph, may be made available notwithstanding section 512 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2002 or any similar provision of law: *Provided further*, That not to exceed \$2,000,000 of the funds appropriated in this paragraph may be obligated for necessary expenses, including the purchase of passenger motor vehicles for use outside of the United States, for the general cost of administering military assistance and sales.

##### PEACEKEEPING OPERATIONS

For an additional amount for "Peacekeeping Operations" for emergency expenses for activities related to combating international terrorism, \$20,000,000, to remain available until September 30, 2003: *Provided*, That the entire amount of designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That funds appropriated under this heading, and funds appropriated under this heading in prior Acts that are made available for the purposes of this paragraph, may be made available notwithstanding section 512 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2002 or any similar provision of law.

##### MULTILATERAL ECONOMIC ASSISTANCE

##### FUNDS APPROPRIATED TO THE PRESIDENT

##### SPECIAL PAYMENTS TO THE INTERNATIONAL FINANCIAL INSTITUTIONS (RESCISSION)

The unobligated balances of funds provided in Public Law 92-301 and Public Law 93-142 for maintenance of value payments to international financial institutions are hereby rescinded.

##### GENERAL PROVISIONS—THIS CHAPTER

SEC. 601. (a) In fiscal year 2002, funds available to the Department of State for assistance to the Government of Colombia shall be available to support a unified campaign against narcotics trafficking, against activities by organizations designated as terrorist organizations such as the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), and the

United Self-Defense Forces of Colombia (AUC), and to take actions to protect human health and welfare in emergency circumstances, including undertaking rescue operations.

(b) This provision shall also apply to unexpired balances and assistance previously provided from prior years' Acts available for the purposes identified in subsection (a).

(c) The authority in this section is in addition to authorities currently available to provide assistance to Colombia.

#### (RESCISSION)

SEC. 602. Of the funds appropriated under the headings "Development Assistance" and "Economic Support Fund" in title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000 (as contained in Public Law 106-113) and in prior Acts making appropriations for foreign operations, export financing, and related programs, \$60,000,000 are rescinded.

#### ANDEAN SECURITY STRATEGY

SEC. 603. (a) Not later than 30 days after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a report on the United States policy and strategy to assist Colombia as well as to achieve a robust security environment in the Andean region.

(b) The report required by subsection (a) shall address the following:

(1) The key objectives of the United States assistance to the Government of Colombia.

(2) The actions required of the United States to support and achieve those objectives, as well as a time schedule and cost estimates for implementing such actions.

(3) The role of the United States in the efforts of the Government of Colombia to provide security within the country.

(4) How the strategy regarding Colombia relates to and affects the strategy of the United States to achieve regional security between, and within, Andean countries, and how those Andean countries are working with Colombia to achieve regional security.

(5) A strategy, time schedule, and cost estimates for providing material, technical, and logistical support to the Government of Colombia to assist it contain and eliminate the threat which the United Self-Defense Forces (AUC) of Colombia poses to the national security of that country.

(6) A strategy to assist the Government of Colombia reach a negotiated political solution to the internal conflict as well as help it facilitate the design and implementation of a comprehensive strategy which addresses the underlying socio-political sources of the insurgencies and paramilitary counter-insurgency.

(c) In this section, the term "appropriate congressional committees means—

(1) the Committee on International Relations and the Committee on Appropriations of the House of Representatives; and

(2) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

#### CHAPTER 7

#### DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT MANAGEMENT OF LANDS AND RESOURCES

For an additional amount for "Management of Lands and Resources", \$658,000, for emergency security expenses, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That these funds shall be available only to the extent that an official budget request for a specific

dollar amount, that includes designation of the entire amount as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

#### UNITED STATES FISH AND WILDLIFE SERVICE

##### RESOURCE MANAGEMENT

For an additional amount for "Resource Management", \$1,443,000, for emergency security expenses, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That these funds shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

#### NATIONAL PARK SERVICE

##### OPERATION OF THE NATIONAL PARK SYSTEM

For an additional amount for "Operation of the National Park System", \$1,173,000, for emergency security expenses, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That these funds shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

##### CONSTRUCTION

For an additional amount for "Construction", \$19,300,000, for emergency security expenses, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That these funds shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

#### UNITED STATES GEOLOGICAL SURVEY SURVEYS, INVESTIGATIONS, AND RESEARCH

For an additional amount for "Surveys, Investigations, and Research", \$25,700,000, for emergency security expenses, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That these funds shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

#### BUREAU OF INDIAN AFFAIRS

##### OPERATION OF INDIAN PROGRAMS

##### (INCLUDING RESCISSION OF FUNDS)

For an additional amount for "Operation of Indian Programs", \$134,000, for emergency security expenses, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That these funds

shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

Of the funds provided under this heading in Public Law 107-20 for electric power operations and related activities at the San Carlos Irrigation Project, \$5,000,000 is rescinded.

Funds provided under this heading in Public Law 107-20, for electric power operations and related activities at the San Carlos Irrigation Project, and remaining within the account may be used for unanticipated trust reform projects and costs related to the ongoing Cobell litigation or other litigation concerning the management of Indian trust funds: *Provided*, That funds made available herein may, as needed, be transferred to or merged with any account funded in the Interior and Related Agencies Appropriations Act to reimburse costs incurred for these litigation activities.

#### DEPARTMENTAL OFFICES

##### DEPARTMENTAL MANAGEMENT

##### SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", \$905,000, for emergency security expenses, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That these funds shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

##### RELATED AGENCY

#### SMITHSONIAN INSTITUTION

##### SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", of the Smithsonian Institution, \$11,000,000, for emergency security expenses, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That these funds shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

##### CONSTRUCTION

For an additional amount for "Construction", for emergency security expenses, \$2,000,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That these funds shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

#### GENERAL PROVISIONS—THIS CHAPTER

SEC. 701. Within 10 days of enactment of this Act, funds appropriated to the Forest Service under the heading "Wildland Fire Management" in Public Law 107-63 for the following purposes: \$5,000,000 for research activities and \$10,000,000 for capital improvement and maintenance of fire facilities shall



be released and made available for immediate obligation. These funds are not available for transfer for purposes other than those described in this section.

SEC. 702. None of the funds appropriated in this or any other Act, except funds appropriated to the Office of Management and Budget, shall be available to study the transfer of any research activities from the Smithsonian Institution to the National Science Foundation.

SEC. 703. In fiscal year 2002 and thereafter, the Secretary of the Interior may charge reasonable fees for services provided at Midway Atoll National Wildlife Refuge, including fuel sales, and retain those fees, to be credited to the United States Fish and Wildlife Service, "Resource Management" account and remain available until expended for operation and maintenance of infrastructure and staffing required for non-refuge specific needs, including the purchase of fuel supplies.

SEC. 704. In entering into agreements with foreign countries pursuant to the Wildfire Suppression Assistance Act (42 U.S.C. 1856m) the Secretary of Agriculture and the Secretary of the Interior are authorized to enter into reciprocal agreements where the individuals furnished under said agreements to provide wildfire services are considered, for purposes of tort liability, employees of the country receiving said services when the individuals are fighting fires. The Secretary of Agriculture or the Secretary of the Interior shall not enter into any agreement under this provision unless the foreign country (either directly or through its fire organization) agrees to assume any and all liability for the acts or omissions of American firefighters engaged in firefighting in a foreign country. When an agreement is reached for furnishing fire fighting services, the only remedies for acts or omissions committed while fighting fires shall be that provided under the laws of the host country and those remedies shall be the exclusive remedies for any claim arising out of fighting fires in a foreign country. Neither the firefighter, the sending country or any organization associated with the firefighter shall be subject to any action whatsoever pertaining to or arising out of fighting fires.

SEC. 705. Hereafter, for purposes of section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536), the Secretary of Defense may be held responsible for water consumption that occurs on a military installation (or outside of military installation but under the direct authority and control of the Secretary). The Secretary of Defense is not responsible for water consumption that occurs outside of a military installation and is beyond the direct authority and control of the Secretary of Defense even through the water is derived from a watershed basin shared by the military installation and the water consumption outside of the installation may impact a critical habitat or endangered species outside the installation.

#### CHAPTER 8

##### DEPARTMENT OF LABOR

###### EMPLOYMENT AND TRAINING ADMINISTRATION TRAINING AND EMPLOYMENT SERVICES

For an additional amount for "Training and Employment Services", \$300,000,000, to remain available through September 30, 2003; of which not less than \$190,000,000 is available for carrying out sections 171(d) and 173 of the Workforce Investment Act of 1998, except that not more than \$20,000,000 may be used for carrying out section 171(d); and of which \$110,000,000, to remain available through June 30, 2002, is available for carrying out section 132(a)(2)(B) of such Act: *Provided*, That notwithstanding sections

132(b)(2)(B) and 133(b)(2)(B) of such Act, such funds for carrying out section 132(a)(2)(B) shall be allotted and allocated in a manner that restores to the affected States and local workforce investment areas the \$110,000,000 that was subject to rescission under Public Law 107-20: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined in such Act, is transmitted by the President to Congress.

##### DEPARTMENT OF HEALTH AND HUMAN SERVICES

###### HEALTH RESOURCES AND SERVICES ADMINISTRATION

###### HEALTH RESOURCES AND SERVICES

The matter preceding the first proviso under this heading in Public Law 107-116 is amended—

(1) by inserting "IV," after "titles II, III,,"; and

(2) by striking "\$311,978,000" and inserting "\$315,333,000".

###### CENTERS FOR DISEASE CONTROL AND PREVENTION

###### DISEASE CONTROL, RESEARCH, AND TRAINING

For an additional amount for the Centers for Disease Control and Prevention, "Disease Control, Research, and Training", \$1,000,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That these funds shall be available only to the extent that an official budget request, that designates the entire amount of the request as an emergency requirement as defined in such Act, is transmitted by the President to the Congress.

###### NATIONAL INSTITUTES OF HEALTH

###### BUILDINGS AND FACILITIES

###### (RESCISSION)

Of the funds provided under this heading in Public Law 107-116, \$30,000,000 is rescinded.

###### ADMINISTRATION FOR CHILDREN AND FAMILIES

###### CHILDREN AND FAMILIES SERVICES AND PROGRAMS

For an additional amount for "Children and Families Services Programs" for carrying out section 316 of the Family Violence Prevention and Services Act (42 U.S.C. 10416), \$500,000: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

###### DEPARTMENT OF EDUCATION

###### SCHOOL IMPROVEMENT PROGRAMS

Of the funds provided under this heading in Public Law 107-116 to carry out the Elementary and Secondary Education Act of 1965, \$832,889,000 shall be available to carry out part D of title V, and up to \$11,500,000 may be used to carry out section 2345.

In the statement of the managers of the committee of conference accompanying H.R. 3061 (Public Law 107-116; H. Rpt. 107-342), in the matter relating to the Fund for the Im-

provement of Education under the heading "School Improvement Programs"—

(1) the provision specifying \$200,000 for Fresno At-Risk Youth Services and the provision specifying \$225,000 for the Fresno Unified School District shall be applied by substituting the following for the two provisions: "Fresno Unified School District, Fresno, California, in partnership with the City of Fresno, California, for activities to address the problems of at-risk youth, including afterschool activities and a mobile science unit, \$425,000";

(2) the provision specifying \$50,000 for the Lewiston-Auburn College/University of Southern Maine shall be deemed to read as follows: "Lewiston-Auburn College/University of Southern Maine TEAMS program to prepare teachers to meet the demands of Maine's 21st century elementary and middle schools, \$50,000";

(3) the provision specifying \$250,000 for the Wellington Public School District, Wellington, KS, shall be deemed to read as follows: "Wellington Public School District, Wellington, KS, for after school activities, \$250,000";

(4) the provision specifying \$200,000 for the Vermont Higher Education Council shall be deemed to read as follows: "Vermont Higher Education Consortium to develop universal early learning programs to ensure that at least one certified teacher will be available in center-based child care programs, \$200,000";

(5) the provision specifying \$250,000 for Education Service District 117 in Wenatchee, WA, shall be deemed to read as follows: "Education Service District 171 in Wenatchee, WA to equip a community technology center to expand technology-based training, \$250,000";

(6) the provision specifying \$1,000,000 for the Electronic Data Systems Project shall be deemed to read as follows: "Washington State Department of Education for an electronic data systems project to create a database that would improve the acquisition, analysis and sharing of student information, \$1,000,000";

(7) the provision specifying \$250,000 for the YMCA of Seattle-King-Snohomish County shall be deemed to read as follows: "YWCA of Seattle-King County-Snohomish County to support women and families through an at-risk youth center and other family supports, \$250,000";

(8) the provision specifying \$50,000 for Drug Free Pennsylvania shall be deemed to read as follows: "Drug Free Pennsylvania to implement a demonstration project, \$50,000";

(9) the provision specifying \$20,000,000 for the Commonwealth of Pennsylvania Department of Education shall be deemed to read as follows: "\$20,000,000 is included for a grant to the Commonwealth of Pennsylvania Department of Education to provide assistance, through subgrants, to low-performing school districts that are slated for potential takeover and/or on the Education Empowerment List as prescribed by Pennsylvania State Law. The initiative is intended to improve the management and operations of the school districts; assist with curriculum development; provide after-school, summer, and weekend programs; offer teacher and principal professional development; and promote the acquisition and effective use of instructional technology and equipment.";

(10) the provision specifying \$1,000,000 for State of Louisiana for Louisiana Online shall be deemed to read as follows: "Online Louisiana, Inc., New Orleans, LA, for a K-12 technology initiative, \$1,000,000";

(11) the provision specifying \$150,000 for the American Theater Arts for Youth, Inc., Philadelphia, PA, for a Mississippi Arts in Education Program shall be deemed to read



as follows: "American Theater Arts for Youth, Inc., for a Mississippi Arts in Education program, \$150,000"; and

(12) the provision specifying \$25,000 for the American Theater Arts for Youth for an Arts in Education program shall be deemed to read as follows: "American Theater Arts for Youth, Inc., in Philadelphia, Pennsylvania for an Arts in Education Program, \$25,000".

#### STUDENT FINANCIAL ASSISTANCE

For an additional amount for "Student Financial Assistance" for Pell Grants, \$1,000,000,000, to remain available through September 30, 2003.

#### HIGHER EDUCATION

In the statement of the managers of the committee of conference accompanying H.R. 3061 (Public Law 107-116; H. Rept. 107-342), in the matter relating to the Fund for the Improvement of Postsecondary Education under the heading "Higher Education"—

(1) the provision for Nicholls State University, Thibodaux, LA shall be applied by substituting "Intergenerational" for "International"; and

(2) the provision specifying \$1,000,000 for Cleveland State University shall be deemed to read as follows: "Cleveland State University, College of Education, Cleveland, Ohio, for a K-16 Urban School Leadership initiative, \$1,000,000".

#### CHAPTER 9

##### LEGISLATIVE BRANCH

##### HOUSE OF REPRESENTATIVES

##### SALARIES AND EXPENSES

For an additional amount for salaries and expenses of the House of Representatives, \$1,600,000, as follows:

##### COMMITTEE EMPLOYEES

##### STANDING COMMITTEES, SPECIAL AND SELECT

For an additional amount for salaries and expenses of standing committees, special and select, authorized by House resolutions, \$1,600,000: *Provided*, That such amount shall remain available for such salaries and expenses until December 31, 2002.

##### LIBRARY OF CONGRESS

##### COPYRIGHT OFFICE

##### SALARIES AND EXPENSES

For an additional amount for necessary expenses of the Copyright Office, \$7,500,000: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

#### JOINT ITEMS

##### CAPITOL POLICE BOARD

##### CAPITOL POLICE

##### GENERAL EXPENSES

For an additional amount for the Capitol Police Board for necessary expenses of the Capitol Police, including computer equipment and services, training, communications, uniforms, weapons, and reimbursement to the Environmental Protection Agency, Hazardous Substance Superfund for additional expenses incurred for anthrax investigations and cleanup actions, \$16,100,000, to be disbursed by the Capitol Police Board or their delegate: *Provided*, That this amount shall be available only to the extent that an official budget request, that includes designation of the amount as an emergency requirement, as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to Congress: *Provided further*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

#### ADMINISTRATIVE PROVISIONS

SEC. 901. (a) There is hereby established in the Treasury of the United States an account for the Architect of the Capitol to be known as "capitol police buildings" (hereinafter in this section referred to as the "account").

(b) Funds in the account shall be used by the Architect of the Capitol for all necessary expenses for the maintenance, care, and operation of buildings of the United States Capitol Police.

(c) This section shall apply with respect to fiscal year 2002 and each succeeding fiscal year. Any amounts provided to the Architect of the Capitol prior to the date of the enactment of this Act for the maintenance, care, and operation of buildings of the United States Capitol Police during fiscal year 2002 shall be transferred to the account.

SEC. 902. (a) Subject to the approval of the House Office Building Commission and the Senate Committee on Rules and Administration, the Architect of the Capitol is authorized to acquire (through purchase, lease, transfer from another Federal entity, or otherwise) real property, subject to the availability of appropriations, for the use of the United States Capitol Police.

(b) Any real property acquired by the Architect of the Capitol pursuant to subsection (a) shall be a part of the United States Capitol Grounds and shall be subject to the provisions of the Act entitled "An Act to define the area of the United States Capitol Grounds, to regulate the use thereof, and for other purposes", approved July 31, 1946.

(c) This section shall apply with respect to fiscal year 2002 and each succeeding fiscal year.

SEC. 903. (a) Chapter 9 of the Emergency Supplemental Act, 2002 (Public Law 107-117; 115 Stat. 2315), is amended—

(1) in section 903 (a), by striking "buildings and facilities" and insert "buildings and facilities, subject to the availability of appropriations";

(b) Section 9 of the Act of July 31, 1946 (40 U.S.C. 212a), is amended by redesignating the subsection (b) added by section 903(c)(2) of the Emergency Supplemental Act, 2002, as subsection (c).

(c) The amendment made by this section shall take effect as if included in the enactment of the Emergency Supplemental Act, 2002.

SEC. 904. Nothing in section 1535 of title 31, United States Code (commonly referred to as the "Economy Act"), or any other provision of such title may be construed to prevent or restrict the Chief Administrative Officer of the House of Representatives from placing orders under such section during any fiscal year in the same manner and to the same extent as the head of any other major organizational unit with an agency may place orders under such section during a fiscal year.

SEC. 905. (a) IN GENERAL.—Section 313 of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1151), as enacted by reference in section 1(a)(2) of the Consolidated Appropriations Act, 2001, is amended—

(1) by redesignating subsections (c) through (h) as subsections (d) through (i); and

(2) by inserting after subsection (b) the following new subsection:

"(c) RUSSIAN EXCHANGE PROGRAM FOR AMERICAN LEADERSHIP.—

"(1) IN GENERAL.—In addition to the program established under subsection (b), the Center shall establish a program to carry out activities (including the awarding of grants) to enable emerging political leaders of the Federal Government and State and local governments to visit the Russian Federation to study the operation of political institu-

tions, business organizations, and non-governmental organizations of the Russian Federation.

"(2) ADMINISTRATION.—The provisions of paragraphs (3) and (4) of subsection (b) shall apply with respect to the program under this subsection in the same manner as such provisions apply to the program under subsection (b)."

(b) CONFORMING AMENDMENTS.—Section 313 of such Act (2 U.S.C. 1151) is amended—

(1) in subsection (b)(1), by striking the period at the end and inserting the following: ", and to establish and administer the program described in subsection (c)."; and

(2) in subsection (i)(2) (as redesignated by subsection (a)(1)), by striking "Subsection (g)" and inserting "Subsection (h)".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect October 1, 2001.

SEC. 906. (a) The Librarian of Congress and the Director of the Congressional Research Service shall take such steps as may be necessary to ensure that all materials of the Congressional Research Service which are provided and available to Members of Congress and officers and employees of the House of Representatives and Senate at the United States Capitol and Congressional office buildings (including materials provided through electronic means) may be provided and available to such individuals in the same manner and to the same extent at all other locations where such individuals carry out their official duties.

(b) This section shall apply to materials of the Congressional Research Service which are provided and available at any time after the date of the enactment of this Act.

SEC. 907. (a) The Architect of the Capitol is authorized, subject to the availability of appropriations, to acquire (through purchase, lease, or otherwise) buildings and facilities for use as computer backup facilities (and related uses) for offices in the legislative branch.

(b) The acquisition of a building or facility under subsection (a) shall be subject to the approval of—

(1) the House Office Building Commission, in the case of a building or facility acquired for the use of an office of the House of Representatives;

(2) the Committee on Rules and Administration of the Senate, in the case of a building or facility acquired for the use of an office of the Senate; or

(3) the House Office Building Commission in the case of a building or facility acquired for the use of any other office in the legislative branch as part of a joint facility with (1) above, or the Committee on Rules and Administration of the Senate, in the case of a building or facility acquired for the use of any other office in the legislative branch as part of a joint facility with (2) above.

(c) Any building or facility acquired by the Architect of the Capitol pursuant to subsection (a) shall be a part of the United States Capitol Grounds and shall be subject to the provisions of the Act entitled "An Act to define the area of the United States Capitol Grounds, to regulate the use thereof, and for other purposes", approved July 31, 1946.

(d) This section shall apply with respect to fiscal year 2002 and each succeeding fiscal year.

#### CHAPTER 10

##### DEPARTMENT OF DEFENSE

##### MILITARY CONSTRUCTION

##### MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for "Military Construction, Air Force", \$8,505,000, to remain available until September 30, 2006: *Provided*, That the entire amount is designated

by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by law.

**MILITARY CONSTRUCTION, DEFENSE-WIDE  
(INCLUDING TRANSFER OF FUNDS)**

For an additional amount for "Military Construction, Defense-wide", \$21,500,000, to remain available until September 30, 2006: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by law.

**CHAPTER 11  
DEPARTMENT OF TRANSPORTATION  
OFFICE OF THE SECRETARY  
TRANSPORTATION ADMINISTRATIVE SERVICE  
CENTER**

Under this heading in Public Law 107-87, as amended by section 1106 of Public Law 107-117, delete "\$116,023,000" and insert "\$128,123,000".

**TRANSPORTATION SECURITY  
ADMINISTRATION**

For additional amounts for emergency expenses arising to implement the Federal takeover of airport security, \$3,850,000,000, to remain available until September 30, 2003: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That of the total amount provided herein, the following amounts are available for obligation only for the specific purposes below:

(1) Physical modification of commercial service airports for the purpose of installing checked baggage explosive detection systems, including explosive trace detection systems, \$850,000,000;

(2) Procurement of explosive detection systems, including explosive trace detection systems, for checked baggage screening, \$630,000,000;

(3) Reimbursement of air carriers for installation of intrusion-resistant cockpit doors, \$25,000,000;

(4) Competitive grants to critical national seaports to finance the costs of enhancing facility and operational security, \$75,000,000;

(5) Reimbursement to airports for State and local law enforcement officers, \$75,000,000;

(6) Procurement of air-ground communications systems and devices for the Federal air marshal program, \$20,000,000;

(7) Additional funding for the Department of Transportation Crisis Management Center, to improve transportation emergency response coordination, \$2,100,000; and

(8) Replacement of magnetometers at airport passenger screening locations in commercial service airports, \$20,000,000:

*Provided further*, That none of the funds in this Act shall be used to recruit or hire personnel into the Transportation Security Administration which would cause the agency to exceed a staffing level of 45,000 full-time permanent positions: *Provided further*, That of such amount, \$1,545,000,000 shall be available only to the extent an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined in such Act is transmitted by the President to the Congress.

**U.S. COAST GUARD  
OPERATING EXPENSES**

For an additional amount for "Operating Expenses" for emergency expenses for homeland security and other purposes, \$210,000,000, to remain available until September 30, 2003: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That of such amount, \$21,000,000 shall be available only to the extent an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined in such Act is transmitted by the President to the Congress.

**ACQUISITION, CONSTRUCTION, AND  
IMPROVEMENTS**

For an additional amount for "Acquisition, Construction, and Improvements" for emergency expenses for homeland security and other purposes, \$78,000,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That of such amount, \$12,000,000 shall be available only to the extent an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined in such Act is transmitted by the President to the Congress.

**FEDERAL AVIATION ADMINISTRATION  
OPERATIONS**

**(TRANSFER OF FUNDS)**

For an additional amount for "Operations," up to \$25,000,000, to remain available until September 30, 2002, for security activities at Federal Aviation Administration facilities, to be derived by transfer from "Facilities and Equipment (Airport and Airway Trust Fund)".

**GRANTS-IN-AID FOR AIRPORTS**

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, notwithstanding any other provision of law, for "Grants-in-aid for airports", to enable the Federal Aviation Administrator to compensate airports for a portion of the direct costs associated with new, additional or revised security requirements imposed on airport operators by the Administrator on or after September 11, 2001, \$200,000,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That such amount shall be available only to the extent an official budget request

for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined in such Act is transmitted by the President to the Congress.

**FEDERAL HIGHWAY ADMINISTRATION  
FEDERAL-AID HIGHWAYS  
EMERGENCY RELIEF PROGRAM  
(HIGHWAY TRUST FUND)**

For an additional amount for the "Emergency Relief Program", as authorized by 23 U.S.C. 125, for emergency expenses to respond to natural disasters or catastrophic failures from external causes, \$167,000,000, to be derived from the Highway Trust Fund and to remain available until expended, for the State of New York to respond to the September 11, 2001, terrorist attacks on New York City: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That notwithstanding 23 U.S.C. 120(e), the Federal share for any project on a Federal-aid highway related to the New York City terrorist attacks shall be 100 percent: *Provided further*, That notwithstanding 23 U.S.C. 125(d)(1), the Secretary of Transportation may obligate more than \$100,000,000 for those projects.

**FEDERAL MOTOR CARRIER SAFETY  
ADMINISTRATION**

**BORDER ENFORCEMENT PROGRAM  
(HIGHWAY TRUST FUND)**

For necessary expenses of the Border Enforcement Program to respond to the September 11, 2001, terrorist attacks on the United States, \$19,300,000, to be derived from the Highway Trust Fund, of which \$4,200,000 shall be to implement section 1012 of Public Law 107-56 (USA Patriot Act); \$10,000,000 shall be for drivers' license fraud detection and prevention, the northern border safety and security study, and hazardous material security education and outreach; and \$5,100,000 shall be for the purposes of coordinating drivers' license registration and social security number verification: *Provided*, That in connection with such commercial drivers' license fraud deterrence projects, the Secretary may enter into such contracts or grants with the American Association of Motor Vehicle Administrators, States, or other persons as the Secretary may so designate to carry out these purposes: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

**HAZARDOUS MATERIALS SECURITY  
(HIGHWAY TRUST FUND)**

For necessary expenses to implement the hazardous materials safety permit program pursuant to 49 U.S.C. 5109, \$5,000,000, to be derived from the Highway Trust Fund and to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That such amount shall be available only to the extent an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined in such Act is transmitted by the President to the Congress.

**FEDERAL TRANSIT ADMINISTRATION  
CAPITAL INVESTMENT GRANTS**

For an additional amount for "Capital Investment Grants" for emergency expenses to

respond to the September 11, 2001, terrorist attacks in New York City, \$1,800,000,000, to remain available until expended to replace, rebuild, or enhance the public transportation systems serving the Borough of Manhattan, New York City, New York: *Provided*, That the Secretary may use up to one percent of this amount for oversight activities: *Provided further*, That these funds are subject to grant requirements as determined by the Secretary to ensure that eligible projects will improve substantially the mobility of commuters in Lower Manhattan: *Provided further*, That the Federal share for any project funded from this amount shall be 100 percent: *Provided further*, That these funds are in addition to any other appropriation available for these purposes: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

#### GENERAL PROVISIONS—THIS CHAPTER

SEC. 1101. Notwithstanding any other provision of law, projects and activities designated on pages 82 through 92 of House Report 107-308 shall be eligible for fiscal year 2002 funds made available for the program for which each project or activity is so designated.

SEC. 1102. Section 335 of Public Law 107-87 is hereby amended by inserting “or the Transportation Security Administration” after “the Federal Aviation Administration” and by inserting “, aviation security” after “air navigation”.

SEC. 1103. After the date of enactment of this Act, no further Federal credit instruments may be issued pursuant to section 101(a)(1) of the Air Transportation Safety and System Stabilization Act in fiscal year 2002.

#### CHAPTER 12

##### DEPARTMENT OF THE TREASURY FEDERAL LAW ENFORCEMENT TRAINING CENTER

###### SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses” for expenses of expanded law enforcement training workload resulting from the September 11, 2001 terrorist attacks against the United States, \$15,870,000, to remain available until September 30, 2003: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

##### UNITED STATES SECRET SERVICE

###### SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses” for expenses of expanded protective and investigative workload following the September 11, 2001 terrorist attacks against the United States, \$46,750,000, to remain available until September 30, 2003, *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

#### POSTAL SERVICE

##### PAYMENT TO THE POSTAL SERVICE FUND

For an additional amount for “Payment to the Postal Service” for emergency expenses to enable the Postal Service to protect postal employees and postal customers from exposure to biohazardous material and to sanitize and screen the mail, \$87,000,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

##### EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

###### OFFICE OF MANAGEMENT AND BUDGET

###### SALARIES AND EXPENSES

###### (RESCISSION)

Of the funds made available under this heading in Public Law 107-67, \$750,000 are rescinded.

##### ELECTION ADMINISTRATION REFORM AND RELATED EXPENSES

###### (INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the implementation of election administration reform, and related expenses, \$450,000,000, to remain available until expended: *Provided*, That such amount shall not be available for obligation until the enactment of legislation that establishes programs for improving the administration of elections: *Provided further*, That, upon the enactment of such legislation, the Director of the Office of Management and Budget shall transfer the specific amounts authorized, for the purposes designated, to the Federal entities specified by such legislation, and according to the provisions established in H.R. 3295, as passed by the House of Representatives on December 12, 2001: *Provided further*, That, within 15 days of such transfers, the Director of the Office of Management and Budget shall notify the Congress of the amounts transferred to each authorized Federal entity: *Provided further*, That the entities to which the amounts are transferred shall use the amounts to carry out the applicable provisions of such legislation: *Provided further*, That the transfer authority provided in this paragraph shall be in addition to any other transfer authority provided in this or any other Act.

##### INDEPENDENT AGENCIES

##### FEDERAL ELECTION COMMISSION

###### SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses,” \$750,000 for unanticipated costs associated with implementing the Bipartisan Campaign Reform Act.

##### GENERAL SERVICES ADMINISTRATION

##### REAL PROPERTY ACTIVITIES

###### FEDERAL BUILDINGS FUND

For an additional amount for “Federal Buildings Fund” for building security emergency expenses resulting from the September 11, 2001 terrorist attacks on the United States, \$51,800,000: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

#### GENERAL PROVISIONS—THIS CHAPTER

SEC. 1201. (a) RESCISSION.—Of the unobligated balance as of June 30, 2002, of the funds made available for “Financial Management Service, Salaries and Expenses” in chapter 10 of title II of Public Law 107-20, \$14,000,000 is rescinded.

(b) EFFECTIVE DATE.—Subsection (a) shall be effective June 30, 2002.

(c) SUPPLEMENTAL APPROPRIATION.—For an additional amount for “Internal Revenue

Service, Business Systems Modernization”, there is appropriated the amount rescinded pursuant to subsection (a), to remain available until September 30, 2003. Such additional amount may not be obligated until the Internal Revenue Service submits to the Committees on Appropriations, and such Committees approve, a plan for the expenditure of such additional amount that complies with the requirements as specified in clauses (1) through (6) under such heading in Public Law 107-67.

SEC. 1202. None of the funds appropriated in this or any other Act may be used to transfer the functions, missions, or activities of the United States Customs Service to the Department of Justice.

SEC. 1203. (a) The Federal Law Enforcement Training Center may, for a period ending not later than 5 years after the date of the enactment of this Act, appoint and maintain a cadre of up to 250 Federal annuitants—(1) without regard to any provision of title 5, United States Code, which might otherwise require the application of competitive hiring procedures; and (2) who shall not be subject to any reduction in pay (for annuity allocable to the period of actual employment) under the provisions of section 8344 or 8468 of such title 5 or similar provision of any other retirement system for employees. A reemployed Federal annuitant as to whom a waiver of reduction under paragraph (2) applies shall not, for any period during which such waiver is in effect, be considered an employee for purposes of subchapter III of chapter 83 or chapter 84 of title 5, United States Code, or such other retirement system (referred to in paragraph (2)) as may apply.

(b) No appointment under this section may be made which would result in the displacement of any employee.

(c) For purposes of this section—

(1) the term “Federal annuitant” means an employee who has retired under the Civil Service Retirement System, the Federal Employees’ Retirement System, or any other retirement system for employees;

(2) the term “employee” has the meaning given such term by section 2105 of such title 5; and

(3) the counting of Federal annuitants shall be done on a full time equivalent basis.

#### CHAPTER 13

##### DEPARTMENT OF VETERANS AFFAIRS

##### VETERANS HEALTH ADMINISTRATION

###### MEDICAL CARE

For an additional amount for “Medical care”, \$417,000,000: *Provided*, That the funds provided herein be allocated using the VERA methodology: *Provided further*, That for the purposes of enabling the collection from third-party insurance carriers for non-service related medical care of veterans, all Department of Veterans Affairs healthcare facilities are hereby certified as Medicare and Medicaid providers and the Centers for Medicare and Medicaid Services within the Department of Health and Human Services shall issue each Department of Veterans Affairs healthcare facility a provider number as soon as practicable after the date of enactment of this Act: *Provided further*, That nothing in the preceding proviso shall be construed to enable the Department of Veterans Affairs to bill Medicare or Medicaid for any medical services provided by the Veterans Health Administration or to require the Centers for Medicare and Medicaid Services to pay for any medical services provided by the Department of Veterans Affairs.

DEPARTMENT OF HOUSING AND URBAN  
DEVELOPMENT  
PUBLIC AND INDIAN HOUSING  
HOUSING CERTIFICATE FUND  
(RESCISSION)

Of the unobligated balances remaining from funds appropriated to the Department of Housing and Urban Development under this heading or the heading "Annual contributions for assisted housing" or any other heading for fiscal year 2002 and prior years, \$300,000,000 is hereby rescinded: *Provided*, That any such balances governed by reallocation provisions under the statute authorizing the program for which the funds were originally appropriated shall not be available for this rescission.

COMMUNITY PLANNING AND DEVELOPMENT  
COMMUNITY DEVELOPMENT FUND

For an additional amount for the "Community Development Fund" for emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, \$750,000,000, to remain available until expended: *Provided*, That the State of New York, in cooperation with the City of New York, shall, through the Lower Manhattan Development Corporation, distribute these funds: *Provided further*, That such funds may be used for assistance for properties and businesses (including the restoration of utility infrastructure) damaged by, and for economic revitalization directly related to, the terrorist attacks on the United States that occurred on September 11, 2001, in New York City and for reimbursement to the State and City of New York for expenditures incurred from the regular Community Development Block Grant formula allocation used to achieve these same purposes: *Provided further*, That the State of New York is authorized to provide such assistance to the City of New York: *Provided further*, That in administering these funds and funds under section 108 of such Act used for economic revitalization activities in New York City, the Secretary may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds or guarantees (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a finding that such waiver is required to facilitate the use of such funds or guarantees: *Provided further*, That such funds shall not adversely affect the amount of any formula assistance received by the State of New York, New York City, or any categorical application for other Federal assistance: *Provided further*, That the Secretary shall publish in the Federal Register any waiver of any statute or regulation that the Secretary administers pursuant to title I of the Housing and Community Development Act of 1974, as amended, no later than five days before the effective date of such waiver: *Provided further*, That the Secretary shall notify the Committees on Appropriations on the proposed allocation of any funds and any related waivers pursuant to this section no later than five days before such allocation: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

The referenced statement of the managers under the heading "Community development fund" in title II of Public Law 106-377 is deemed to be amended by striking "\$2,000,000 is for the Louisville Community Development Bank for the Louisville Neighborhood Initiative" and inserting "\$2,000,000 for neighborhood revitalization activities in

Louisville, Kentucky, as follows: \$170,000 to the Christian Church Homes of Kentucky for facility upgrades at Chapel House, \$500,000 to the Louisville Medical Center Development Corporation for expansion of a research park, \$400,000 to the Louisville Science Center for construction of a permanent exhibition, \$150,000 to the New Zion Community Development Foundation for renovation of a facility, \$400,000 to the Presbyterian Community Center for construction of a facility, \$180,000 to the St. Stephen Family Life Center for renovation of a facility, and \$200,000 to the United Crescent Hill Ministries for renovation of a facility".

The referenced statement of the managers under the heading "Community development fund" in title II of Public Law 107-73 is deemed to be amended by striking "\$3,000,000 for the Louisville Community Development Bank for continuation of the Louisville Neighborhood Initiative" and inserting "\$3,000,000 for neighborhood revitalization activities in Louisville, Kentucky, as follows: \$250,000 to the Bridgehaven Mental Health Agency for planning and development of a facility, \$600,000 to the Cable Life Community Enrichment Corporation for construction of a facility, \$350,000 to Catholic Charities for renovation of a facility, \$500,000 to the Center for Women and Families for an affordable housing program, \$100,000 to the Clifton Cultural Center for renovation of a historic building, \$200,000 to Harrods Creek Community Development for construction of a facility, \$200,000 to the James Taylor Memorial Home for facility improvements, \$600,000 to the Kentucky Art and Craft Foundation for renovation of a facility, and \$200,000 to the Shelby Park Neighborhood Association for facility construction".

HOUSING PROGRAMS  
RENTAL HOUSING ASSISTANCE  
(RESCISSION)

The limitation otherwise applicable to the maximum payments that may be required in any fiscal year by all contracts entered into under section 236 of the National Housing Act (12 U.S.C. 1715z-1) is reduced in fiscal year 2002 by not more than \$300,000,000 in uncommitted balances of authorizations of contract authority provided for this purpose in appropriations acts: *Provided*, That up to \$300,000,000 of recaptured section 236 budget authority resulting from the prepayment of mortgages subsidized under section 236 of the National Housing Act (12 U.S.C. 1715z-1) shall be rescinded in fiscal year 2002.

INDEPENDENT AGENCIES  
DEPARTMENT OF HEALTH AND HUMAN  
SERVICES

NATIONAL INSTITUTES OF HEALTH  
NATIONAL INSTITUTE OF ENVIRONMENTAL  
HEALTH SCIENCES

For an additional amount for "National Institute of Environmental Health Sciences," \$8,000,000, to carry out activities set forth in section 311(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, and section 126(g) of the Superfund Amendments and Reauthorization Act of 1986 in response to the September 11, 2001, terrorist attacks on the United States: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

AGENCY FOR TOXIC SUBSTANCES AND DISEASE  
REGISTRY  
SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", \$11,300,000, of which \$1,800,000 is for additional expenses incurred in re-

sponse to the September 11, 2001, terrorist attacks on the United States, and of which \$9,500,000 is to enhance the States' capacity to respond to chemical terrorism events: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

ENVIRONMENTAL PROTECTION AGENCY  
STATE AND TRIBAL ASSISTANCE GRANTS

The referenced statement of the managers under this heading in Public Law 106-377 is deemed to be amended by striking everything after "\$1,000,000" in reference to item number 91 and inserting "for Carrollton Utilities (\$500,000), City of Williamston (\$100,000) and Pendleton County Industrial Authority (\$400,000)".

The referenced statement of the managers under this heading in Public Law 107-73 is deemed to be amended by striking everything after "for" in reference to item number 202 and inserting "storm water infrastructure improvements".

Grants appropriated under this heading in Public Law 107-73 for drinking water infrastructure needs in the New York City watershed shall be awarded under section 1443(d) of the Safe Drinking Water Act, as amended.

The referenced statement of the managers under this heading in Public Law 106-377 is deemed to be amended by striking everything after "\$2,000,000" in reference to item number 168 and inserting "for the Town of Wallace, North Carolina for a regional wastewater infrastructure improvement project (\$1,000,000), and for the Town of Cary, North Carolina for wastewater infrastructure improvements including the treatment of biosolids (\$1,000,000)".

The referenced statement of managers under this heading in Public Law 107-73 is deemed to be amended in item 19 by inserting the words "water and" after the word "for".

FEDERAL EMERGENCY MANAGEMENT AGENCY  
DISASTER RELIEF

For an additional amount for "Disaster relief" for necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), and the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. 2201 et seq.), \$2,750,000,000 to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That notwithstanding any other provision of law, the Texas Medical Center may be provided FEMA Public Assistance and Hazard Mitigation grants as an agent for eligible applicants.

DISASTER ASSISTANCE FOR UNMET NEEDS

For an additional amount for "Disaster assistance for unmet needs", \$23,320,000, to remain available until September 30, 2004, for use by the Director of the Federal Emergency Management Agency (Director) only for disaster relief, long-term recovery, and mitigation in communities affected by Presidentially-declared natural disasters designated during fiscal year 2002, only to the extent funds are not made available for those activities by the Federal Emergency Management Agency (under its "Disaster relief" program) or the Small Business Administration; *Provided*, That in administering these funds the Director shall allocate these funds to States to be administered by each State in conjunction with its Federal Emergency Management Agency Disaster Relief program: *Provided further*, That each State shall

provide not less than 25 percent in non-Federal public matching funds or its equivalent value (other than administrative costs) for any funds allocated to the State under this heading: *Provided further*, That the Director shall allocate these funds based on the unmet needs arising from a Presidentially-declared disaster as identified by the Director as those which have not or will not be addressed by other Federal disaster assistance programs and for which it is deemed appropriate to supplement the efforts and available resources of States, local governments and disaster relief organizations: *Provided further*, That the Director shall establish review groups within the Federal Emergency Management Agency to review each request by a State of its unmet needs and certify as to the actual costs associated with the unmet needs as well as the commitment and ability of each State to provide its match requirement: *Provided further*, That the Director shall publish a notice in the Federal Register governing the allocation and use of the funds under this heading, including provisions for ensuring the compliance of the States with the requirements of this program: *Provided further*, That 10 days prior to distribution of funds, the Director shall submit a list to the House and Senate Committees on Appropriations setting forth the proposed uses of funds and the most recent estimates of unmet needs: *Provided further*, That the Director shall submit quarterly reports to said Committees regarding the actual projects and needs for which funds have been provided under this heading: *Provided further*, That to the extent any funds under this heading are used in a manner inconsistent with the requirements of the program established under this heading and rules issued pursuant thereto, the Director shall recapture an equivalent amount of funds from the State from any existing funds or future funds awarded to the State under this heading or any other program administered by the Federal Emergency Management Agency: *Provided further*, That the entire amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined by the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

#### EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

For an additional amount for "Emergency management planning and assistance" for emergency expenses to respond to the September 11, 2001 terrorist attacks on the United States, \$151,700,000 to remain available until September 30, 2002: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

#### GENERAL PROVISIONS—THIS CHAPTER

SEC. 1301. Notwithstanding the first paragraph of the item in title II of Public Law 107-73 relating to "Federal housing administration, Mutual mortgage insurance program account", during fiscal year 2002, commitments to guarantee loans to carry out the purposes of section 203(b) of the National Housing Act shall not exceed a loan principal of \$165,000,000,000.

SEC. 1302. Notwithstanding the first paragraph of the item in title II of Public Law 107-73 related to "Federal housing administration, General and special risk program ac-

count", any amounts made available for fiscal year 2002 for the cost of guaranteed loans, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z-3 and 1735c), including the cost of loan guarantee modifications (as that term is defined in section 502 of the Congressional Budget Act of 1974), shall be available to subsidize total loan principal, any part of which is to be guaranteed, of up to \$23,000,000,000.

#### CHAPTER 14

#### GENERAL PROVISIONS

SEC. 1401. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 1402. Notwithstanding any other provision of law, all adjustments made pursuant to section 251(b)(1)(B) of the Balanced Budget and Emergency Deficit and Control Act of 1985 to the highway category and to section 8103(a)(5) of the Transportation Equity Act for the 21st Century for fiscal year 2003 shall be deemed to be zero. This section shall apply immediately to all reports issued pursuant to section 254 of the Balanced Budget and Emergency Deficit Control Act of 1985 for fiscal year 2003, including the discretionary sequester preview report.

SEC. 1403. Section 3101 of title 31, United States Code, is amended by adding at the end the following new subsection:

"(d) The United States Government shall take all steps necessary to guarantee the full faith and credit of the Government."

#### SEC. 1404. TREATMENT OF CERTAIN COUNTIES FOR PURPOSES OF REIMBURSEMENT UNDER THE MEDICARE PROGRAM.

(a) RECLASSIFICATION OF CERTAIN PENNSYLVANIA COUNTIES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, effective for discharges occurring during fiscal year 2003, for purposes of making payments under subsections (d) and (j) of section 1886 of the Social Security Act (42 U.S.C. 1395ww) to hospitals (including rehabilitation hospitals and rehabilitation units under such subsection (j))—

(A) in Lackawanna, Luzerne, Wyoming, Lyncoming, and Columbia Counties, Pennsylvania, such counties are deemed to be located in the Newburgh, New York-PA Metropolitan Statistical Area; and

(B) in Mercer County, Pennsylvania, such county is deemed to be located in Youngstown-Warren, Ohio Metropolitan Statistical Area.

(2) RULES.—The reclassifications made under paragraph (1) with respect to a subsection (d) hospital shall be treated as a decision of the Medicare Geographic Classification Review Board under paragraph (10) of section 1886(d) of the Social Security Act (42 U.S.C. 1395ww(d)).

(b) LARGE URBAN AREA OF NEW YORK.—Notwithstanding any other provision of law, effective for discharges occurring on or after October 1, 2002, and before October 1, 2005, for purposes of making payments under section 1886(d) of the Social Security Act (42 U.S.C. 1395ww(d)) the large urban area of New York, New York is deemed to include Orange County, New York, and Dutchess County, New York.

#### SEC. 1405. AMENDMENTS TO THE CARIBBEAN BASIN ECONOMIC RECOVERY ACT.

Section 213(b)(2)(A) of the Caribbean Basin Economic Recovery Act (title II of Public Law 98-67; 19 U.S.C. 2703(b)(2)(A)) is amended—

(1) in clause (i), by adding at the end the following: "Apparel articles shall qualify under the preceding sentence only if all dyeing, printing, and finishing of the fabrics from which the articles are assembled, if the

fabrics are knit fabrics, is carried out in the United States. Apparel articles shall qualify under the first sentence of this clause only if all dyeing, printing, and finishing of the fabrics from which the articles are assembled, if the fabrics are woven fabrics, is carried out in the United States."; and

(2) in clause (ii), by adding at the end the following: "Apparel articles shall qualify under the preceding sentence only if all dyeing, printing, and finishing of the fabrics from which the articles are assembled, if the fabrics are knit fabrics, is carried out in the United States. Apparel articles shall qualify under the first sentence of this clause only if all dyeing, printing, and finishing of the fabrics from which the articles are assembled, if the fabrics are woven fabrics, is carried out in the United States."

(b) ANDEAN TRADE PREFERENCE ACT.—Any duty-free or other preferential treatment provided under the Andean Trade Preference Act to apparel articles assembled from fabric formed in the United States shall apply to such articles only if all dyeing, printing, and finishing of the fabrics from which the articles are assembled if the fabrics are knit fabrics, is carried out in the United States. Any duty-free or other preferential treatment provided under the Andean Trade Preference Act to apparel articles assembled from fabric formed in the United States shall apply to such articles only if all dyeing, printing, and finishing of the fabrics from which the articles are assembled, if the fabrics are woven fabrics, is carried out in the United States.

(c) EFFECTIVE DATE.—Subsection (b) and the amendments made by subsection (a) shall take effect—

(1) 90 days after the date of the enactment of this Act, or

(2) September 1, 2002, whichever occurs first.

#### SEC. 1406

Congress shall take all steps necessary to ensure that section 5402 of Title 39, United States Code is amended to allow the United States Postal Service to tender non-priority bypass mail to mainline carriers who carry mainline non-priority bypass mail.

Congress shall take all steps necessary to ensure that section 5402 of Title 39, United States Code is further amended to allow the United States Postal Service to tender non-priority bypass mail to bush carriers, on a route not served by a mainline carriers or between two bush points. Carriers are encouraged to upgrade their operating certificates and increase passenger service. Carriers who make these changes may be tendered a greater percentage of non-priority bypass mail.

Congress shall take all steps necessary to ensure that The Secretary of the Department of Transportation sets non-priority bypass mail rate as is deemed necessary to continue the bypass mail service.

The requirements of these provisions will only be in effect in the State of Alaska.

#### TITLE II—AMERICAN SERVICE- MEMBERS' PROTECTION ACT

##### SEC. 2001. SHORT TITLE.

This title may be cited as the "American Servicemembers' Protection Act of 2002".

##### SEC. 2002. FINDINGS.

Congress makes the following findings:

(1) On July 17, 1998, the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, meeting in Rome, Italy, adopted the "Rome Statute of the International Criminal Court". The vote on whether to proceed with the statute was 120 in favor to 7 against, with 21 countries abstaining. The United States voted against final adoption of the Rome Statute.

(2) As of April 30, 2001, 139 countries had signed the Rome Statute and 30 had ratified

it. Pursuant to Article 126 of the Rome Statute, the statute will enter into force on the first day of the month after the 60th day following the date on which the 60th country deposits an instrument ratifying the statute.

(3) Since adoption of the Rome Statute, a Preparatory Commission for the International Criminal Court has met regularly to draft documents to implement the Rome Statute, including Rules of Procedure and Evidence, Elements of Crimes, and a definition of the Crime of Aggression.

(4) During testimony before the Congress following the adoption of the Rome Statute, the lead United States negotiator, Ambassador David Scheffer stated that the United States could not sign the Rome Statute because certain critical negotiating objectives of the United States had not been achieved. As a result, he stated: "We are left with consequences that do not serve the cause of international justice."

(5) Ambassador Scheffer went on to tell the Congress that: "Multinational peacekeeping forces operating in a country that has joined the treaty can be exposed to the Court's jurisdiction even if the country of the individual peacekeeper has not joined the treaty. Thus, the treaty purports to establish an arrangement whereby United States armed forces operating overseas could be conceivably prosecuted by the international court even if the United States has not agreed to be bound by the treaty. Not only is this contrary to the most fundamental principles of treaty law, it could inhibit the ability of the United States to use its military to meet alliance obligations and participate in multinational operations, including humanitarian interventions to save civilian lives. Other contributors to peacekeeping operations will be similarly exposed."

(6) Notwithstanding these concerns, President Clinton directed that the United States sign the Rome Statute on December 31, 2000. In a statement issued that day, he stated that in view of the unremedied deficiencies of the Rome Statute, "I will not, and do not recommend that my successor submit the Treaty to the Senate for advice and consent until our fundamental concerns are satisfied".

(7) Any American prosecuted by the International Criminal Court will, under the Rome Statute, be denied procedural protections to which all Americans are entitled under the Bill of Rights to the United States Constitution, such as the right to trial by jury.

(8) Members of the Armed Forces of the United States should be free from the risk of prosecution by the International Criminal Court, especially when they are stationed or deployed around the world to protect the vital national interests of the United States. The United States Government has an obligation to protect the members of its Armed Forces, to the maximum extent possible, against criminal prosecutions carried out by the International Criminal Court.

(9) In addition to exposing members of the Armed Forces of the United States to the risk of international criminal prosecution, the Rome Statute creates a risk that the President and other senior elected and appointed officials of the United States Government may be prosecuted by the International Criminal Court. Particularly if the Preparatory Commission agrees on a definition of the Crime of Aggression over United States objections, senior United States officials may be at risk of criminal prosecution for national security decisions involving such matters as responding to acts of terrorism, preventing the proliferation of weapons of mass destruction, and deterring aggression. No less than members of the Armed Forces of the United States, senior officials

of the United States Government should be free from the risk of prosecution by the International Criminal Court, especially with respect to official actions taken by them to protect the national interests of the United States.

(10) Any agreement within the Preparatory Commission on a definition of the Crime of Aggression that usurps the prerogative of the United Nations Security Council under Article 39 of the charter of the United Nations to "determine the existence of any . . . act of aggression" would contravene the charter of the United Nations and undermine deterrence.

(11) It is a fundamental principle of international law that a treaty is binding upon its parties only and that it does not create obligations for nonparties without their consent to be bound. The United States is not a party to the Rome Statute and will not be bound by any of its terms. The United States will not recognize the jurisdiction of the International Criminal Court over United States nationals.

#### SEC. 2003. WAIVER AND TERMINATION OF PROHIBITIONS OF THIS TITLE.

(a) AUTHORITY TO INITIALLY WAIVE SECTIONS 5 AND 7.—The President is authorized to waive the prohibitions and requirements of sections 2005 and 2007 for a single period of one year. A waiver under this subsection may be issued only if the President at least 15 days in advance of exercising such authority—

(1) notifies the appropriate congressional committees of the intention to exercise such authority; and

(2) determines and reports to the appropriate congressional committees that the International Criminal Court has entered into a binding agreement that—

(A) prohibits the International Criminal Court from seeking to exercise jurisdiction over the following persons with respect to actions undertaken by them in an official capacity:

- (i) covered United States persons;
- (ii) covered allied persons; and
- (iii) individuals who were covered United States persons or covered allied persons; and

(B) ensures that no person described in subparagraph (A) will be arrested, detained, prosecuted, or imprisoned by or on behalf of the International Criminal Court.

(b) AUTHORITY TO EXTEND WAIVER OF SECTIONS 5 AND 7.—The President is authorized to waive the prohibitions and requirements of sections 2005 and 2007 for successive periods of one year each upon the expiration of a previous waiver pursuant to subsection (a) or this subsection. A waiver under this subsection may be issued only if the President at least fifteen days in advance of exercising such authority—

(1) notifies the appropriate congressional committees of the intention to exercise such authority; and

(2) determines and reports to the appropriate congressional committees that the International Criminal Court—

(A) remains party to, and has continued to abide by, a binding agreement that—

(i) prohibits the International Criminal Court from seeking to exercise jurisdiction over the following persons with respect to actions undertaken by them in an official capacity:

- (I) covered United States persons;
- (II) covered allied persons; and
- (III) individuals who were covered United States persons or covered allied persons; and

(ii) ensures that no person described in clause (i) will be arrested, detained, prosecuted, or imprisoned by or on behalf of the International Criminal Court; and

(B) has taken no steps to arrest, detain, prosecute, or imprison any person described in clause (i) of subparagraph (A).

(c) AUTHORITY TO WAIVE SECTIONS 4 AND 6 WITH RESPECT TO AN INVESTIGATION OR PROSECUTION OF A NAMED INDIVIDUAL.—The President is authorized to waive the prohibitions and requirements of sections 2004 and 2006 to the degree such prohibitions and requirements would prevent United States cooperation with an investigation or prosecution of a named individual by the International Criminal Court. A waiver under this subsection may be issued only if the President at least 15 days in advance of exercising such authority—

(1) notifies the appropriate congressional committees of the intention to exercise such authority; and

(2) determines and reports to the appropriate congressional committees that—

(A) a waiver pursuant to subsection (a) or (b) of the prohibitions and requirements of sections 2005 and 2007 is in effect;

(B) there is reason to believe that the named individual committed the crime or crimes that are the subject of the International Criminal Court's investigation or prosecution;

(C) it is in the national interest of the United States for the International Criminal Court's investigation or prosecution of the named individual to proceed; and

(D) in investigating events related to actions by the named individual, none of the following persons will be investigated, arrested, detained, prosecuted, or imprisoned by or on behalf of the International Criminal Court with respect to actions undertaken by them in an official capacity:

- (i) Covered United States persons.
- (ii) Covered allied persons.
- (iii) Individuals who were covered United States persons or covered allied persons.

(d) TERMINATION OF WAIVER PURSUANT TO SUBSECTION (c).—Any waiver or waivers exercised pursuant to subsection (c) of the prohibitions and requirements of sections 2004 and 2006 shall terminate at any time that a waiver pursuant to subsection (a) or (b) of the prohibitions and requirements of sections 2005 and 2007 expires and is not extended pursuant to subsection (b).

(e) TERMINATION OF PROHIBITIONS OF THIS TITLE.—The prohibitions and requirements of sections 2004, 2005, 2006, and 2007 shall cease to apply, and the authority of section 2008 shall terminate, if the United States becomes a party to the International Criminal Court pursuant to a treaty made under article II, section 2, clause 2 of the Constitution of the United States.

#### SEC. 2004. PROHIBITION ON COOPERATION WITH THE INTERNATIONAL CRIMINAL COURT.

(a) APPLICATION.—The provisions of this section—

(1) apply only to cooperation with the International Criminal Court and shall not apply to cooperation with an ad hoc international criminal tribunal established by the United Nations Security Council before or after the date of the enactment of this Act to investigate and prosecute war crimes committed in a specific country or during a specific conflict; and

(2) shall not prohibit—

(A) any action permitted under section 2008; or

(B) communication by the United States of its policy with respect to a matter.

(b) PROHIBITION ON RESPONDING TO REQUESTS FOR COOPERATION.—Notwithstanding section 1782 of title 28, United States Code, or any other provision of law, no United States Court, nor any agency or entity of any State or local government, including any court, may cooperate with the International



Criminal Court in response to a request for cooperation submitted by the International Criminal Court pursuant to the Rome Statute.

(c) **PROHIBITION ON TRANSMITTAL OF LETTERS ROGATORY FROM THE INTERNATIONAL CRIMINAL COURT.**—Notwithstanding section 1781 of title 28, United States Code, or any other provision of law, no agency of the United States Government may transmit for execution any letter rogatory issued, or other request for cooperation made, by the International Criminal Court to the tribunal, officer, or agency in the United States to whom it is addressed.

(d) **PROHIBITION ON EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.**—Notwithstanding any other provision of law, no agency or entity of the United States Government or of any State or local government may extradite any person from the United States to the International Criminal Court, nor support the transfer of any United States citizen or permanent resident alien to the International Criminal Court.

(e) **PROHIBITION ON PROVISION OF SUPPORT TO THE INTERNATIONAL CRIMINAL COURT.**—Notwithstanding any other provision of law, no agency or entity of the United States Government or of any State or local government, including any court, may provide support to the International Criminal Court.

(f) **PROHIBITION ON USE OF APPROPRIATED FUNDS TO ASSIST THE INTERNATIONAL CRIMINAL COURT.**—Notwithstanding any other provision of law, no funds appropriated under any provision of law may be used for the purpose of assisting the investigation, arrest, detention, extradition, or prosecution of any United States citizen or permanent resident alien by the International Criminal Court.

(g) **RESTRICTION ON ASSISTANCE PURSUANT TO MUTUAL LEGAL ASSISTANCE TREATIES.**—The United States shall exercise its rights to limit the use of assistance provided under all treaties and executive agreements for mutual legal assistance in criminal matters, multilateral conventions with legal assistance provisions, and extradition treaties, to which the United States is a party, and in connection with the execution or issuance of any letter rogatory, to prevent the transfer to, or other use by, the International Criminal Court of any assistance provided by the United States under such treaties and letters rogatory.

(h) **PROHIBITION ON INVESTIGATIVE ACTIVITIES OF AGENTS.**—No agent of the International Criminal Court may conduct, in the United States or any territory subject to the jurisdiction of the United States, any investigative activity relating to a preliminary inquiry, investigation, prosecution, or other proceeding at the International Criminal Court.

**SEC. 2005. RESTRICTION ON UNITED STATES PARTICIPATION IN CERTAIN UNITED NATIONS PEACEKEEPING OPERATIONS.**

(a) **POLICY.**—Effective beginning on the date on which the Rome Statute enters into force pursuant to Article 126 of the Rome Statute, the President should use the voice and vote of the United States in the United Nations Security Council to ensure that each resolution of the Security Council authorizing any peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations permanently exempts, at a minimum, members of the Armed Forces of the United States participating in such operation from criminal prosecution or other assertion of jurisdiction by the International Criminal Court for actions undertaken by such personnel in connection with the operation.

(b) **RESTRICTION.**—Members of the Armed Forces of the United States may not partici-

pate in any peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations, the creation of which is authorized by the United Nations Security Council on or after the date that the Rome Statute enters into effect pursuant to Article 126 of the Rome Statute, unless the President has submitted to the appropriate congressional committees a certification described in subsection (c) with respect to such operation.

(c) **CERTIFICATION.**—The certification referred to in subsection (b) is a certification by the President that—

(1) members of the Armed Forces of the United States are able to participate in the peacekeeping or peace enforcement operation without risk of criminal prosecution or other assertion of jurisdiction by the International Criminal Court because, in authorizing the operation, the United Nations Security Council permanently exempted, at a minimum, members of the Armed Forces of the United States participating in the operation from criminal prosecution or other assertion of jurisdiction by the International Criminal Court for actions undertaken by them in connection with the operation;

(2) members of the Armed Forces of the United States are able to participate in the peacekeeping or peace enforcement operation without risk of criminal prosecution or other assertion of jurisdiction by the International Criminal Court because each country in which members of the Armed Forces of the United States participating in the operation will be present either is not a party to the International Criminal Court and has not invoked the jurisdiction of the International Criminal Court pursuant to Article 12 of the Rome Statute, or has entered into an agreement in accordance with Article 98 of the Rome Statute preventing the International Criminal Court from proceeding against members of the Armed Forces of the United States present in that country; or

(3) the national interests of the United States justify participation by members of the Armed Forces of the United States in the peacekeeping or peace enforcement operation.

**SEC. 2006. PROHIBITION ON DIRECT OR INDIRECT TRANSFER OF CLASSIFIED NATIONAL SECURITY INFORMATION AND LAW ENFORCEMENT INFORMATION TO THE INTERNATIONAL CRIMINAL COURT.**

(a) **IN GENERAL.**—Not later than the date on which the Rome Statute enters into force, the President shall ensure that appropriate procedures are in place to prevent the transfer of classified national security information and law enforcement information to the International Criminal Court for the purpose of facilitating an investigation, apprehension, or prosecution.

(b) **INDIRECT TRANSFER.**—The procedures adopted pursuant to subsection (a) shall be designed to prevent the transfer to the United Nations and to the government of any country that is party to the International Criminal Court of classified national security information and law enforcement information that specifically relates to matters known to be under investigation or prosecution by the International Criminal Court, except to the degree that satisfactory assurances are received from the United Nations or that government, as the case may be, that such information will not be made available to the International Criminal Court for the purpose of facilitating an investigation, apprehension, or prosecution.

(c) **CONSTRUCTION.**—The provisions of this section shall not be construed to prohibit any action permitted under section 2008.

**SEC. 2007. PROHIBITION OF UNITED STATES MILITARY ASSISTANCE TO PARTIES TO THE INTERNATIONAL CRIMINAL COURT.**

(a) **PROHIBITION OF MILITARY ASSISTANCE.**—Subject to subsections (b) and (c), and effective one year after the date on which the Rome Statute enters into force pursuant to Article 126 of the Rome Statute, no United States military assistance may be provided to the government of a country that is a party to the International Criminal Court.

(b) **NATIONAL INTEREST WAIVER.**—The President may, without prior notice to Congress, waive the prohibition of subsection (a) with respect to a particular country if he determines and reports to the appropriate congressional committees that it is important to the national interest of the United States to waive such prohibition.

(c) **ARTICLE 98 WAIVER.**—The President may, without prior notice to Congress, waive the prohibition of subsection (a) with respect to a particular country if he determines and reports to the appropriate congressional committees that such country has entered into an agreement with the United States pursuant to Article 98 of the Rome Statute preventing the International Criminal Court from proceeding against United States personnel present in such country.

(d) **EXEMPTION.**—The prohibition of subsection (a) shall not apply to the government of—

- (1) a NATO member country;
- (2) a major non-NATO ally (including Australia, Egypt, Israel, Japan, Jordan, Argentina, the Republic of Korea, and New Zealand); or
- (3) Taiwan.

**SEC. 2008. AUTHORITY TO FREE MEMBERS OF THE ARMED FORCES OF THE UNITED STATES AND CERTAIN OTHER PERSONS DETAINED OR IMPRISONED BY OR ON BEHALF OF THE INTERNATIONAL CRIMINAL COURT.**

(a) **AUTHORITY.**—The President is authorized to use all means necessary and appropriate to bring about the release of any person described in subsection (b) who is being detained or imprisoned by, on behalf of, or at the request of the International Criminal Court.

(b) **PERSONS AUTHORIZED TO BE FREED.**—The authority of subsection (a) shall extend to the following persons:

- (1) Covered United States persons.
- (2) Covered allied persons.
- (3) Individuals detained or imprisoned for official actions taken while the individual was a covered United States person or a covered allied person, and in the case of a covered allied person, upon the request of such government.

(c) **AUTHORIZATION OF LEGAL ASSISTANCE.**—When any person described in subsection (b) is arrested, detained, investigated, prosecuted, or imprisoned by, on behalf of, or at the request of the International Criminal Court, the President is authorized to direct any agency of the United States Government to provide—

- (1) legal representation and other legal assistance to that person (including, in the case of a person entitled to assistance under section 1037 of title 10, United States Code, representation and other assistance in the manner provided in that section);
- (2) exculpatory evidence on behalf of that person; and
- (3) defense of the interests of the United States through appearance before the International Criminal Court pursuant to Article 18 or 19 of the Rome Statute, or before the courts or tribunals of any country.

(d) **BRIBES AND OTHER INDUCEMENTS NOT AUTHORIZED.**—This section does not authorize the payment of bribes or the provision of



other such incentives to induce the release of a person described in subsection (b).

**SEC. 2009. ALLIANCE COMMAND ARRANGEMENTS.**

(a) **REPORT ON ALLIANCE COMMAND ARRANGEMENTS.**—Not later than 6 months after the date of the enactment of this Act, the President should transmit to the appropriate congressional committees a report with respect to each military alliance to which the United States is party—

(1) describing the degree to which members of the Armed Forces of the United States may, in the context of military operations undertaken by or pursuant to that alliance, be placed under the command or operational control of foreign military officers subject to the jurisdiction of the International Criminal Court because they are nationals of a party to the International Criminal Court; and

(2) evaluating the degree to which members of the Armed Forces of the United States engaged in military operations undertaken by or pursuant to that alliance may be exposed to greater risks as a result of being placed under the command or operational control of foreign military officers subject to the jurisdiction of the International Criminal Court.

(b) **DESCRIPTION OF MEASURES TO ACHIEVE ENHANCED PROTECTION FOR MEMBERS OF THE ARMED FORCES OF THE UNITED STATES.**—Not later than one year after the date of the enactment of this Act, the President should transmit to the appropriate congressional committees a description of modifications to command and operational control arrangements within military alliances to which the United States is a party that could be made in order to reduce any risks to members of the Armed Forces of the United States identified pursuant to subsection (a)(2).

(c) **SUBMISSION IN CLASSIFIED FORM.**—The report under subsection (a), and the description of measures under subsection (b), or appropriate parts thereof, may be submitted in classified form.

**SEC. 2010. WITHHOLDINGS.**

Funds withheld from the United States share of assessments to the United Nations or any other international organization during any fiscal year pursuant to section 705 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (as enacted by section 1000(a)(7) of Public Law 106–113; 113 Stat. 1501A–460), are authorized to be transferred to the Embassy Security, Construction and Maintenance Account of the Department of State.

**SEC. 2011. APPLICATION OF SECTIONS 2004 AND 2006 TO EXERCISE OF CONSTITUTIONAL AUTHORITIES.**

(a) **IN GENERAL.**—Sections 2004 and 2006 shall not apply to any action or actions with respect to a specific matter involving the International Criminal Court taken or directed by the President on a case-by-case basis in the exercise of the President's authority as Commander in Chief of the Armed Forces of the United States under article II, section 2 of the United States Constitution or in the exercise of the executive power under article II, section 1 of the United States Constitution.

(b) **NOTIFICATION TO CONGRESS.**—

(1) **IN GENERAL.**—Subject to paragraph (2), not later than 15 days after the President takes or directs an action or actions described in subsection (a) that would otherwise be prohibited under section 2004 or 2006, the President shall submit a notification of such action to the appropriate congressional committees. A notification under this paragraph shall include a description of the action, a determination that the action is in the national interest of the United States, and a justification for the action.

(2) **EXCEPTION.**—If the President determines that a full notification under paragraph (1) could jeopardize the national security of the United States or compromise a United States law enforcement activity, not later than 15 days after the President takes or directs an action or actions referred to in paragraph (1) the President shall notify the appropriate congressional committees that an action has been taken and a determination has been made pursuant to this paragraph. The President shall provide a full notification under paragraph (1) not later than 15 days after the reasons for the determination under this paragraph no longer apply.

(c) **CONSTRUCTION.**—Nothing in this section shall be construed as a grant of statutory authority to the President to take any action.

**SEC. 2012. NONDELEGATION.**

The authorities vested in the President by sections 2003 and 2011(a) may not be delegated by the President pursuant to section 301 of title 3, United States Code, or any other provision of law. The authority vested in the President by section 2005(c)(3) may not be delegated by the President pursuant to section 301 of title 3, United States Code, or any other provision of law to any official other than the Secretary of Defense, and if so delegated may not be subdelegated.

**SEC. 2013. DEFINITIONS.**

As used in this title and in section 706 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(2) **CLASSIFIED NATIONAL SECURITY INFORMATION.**—The term “classified national security information” means information that is classified or classifiable under Executive Order 12958 or a successor Executive order.

(3) **COVERED ALLIED PERSONS.**—The term “covered allied persons” means military personnel, elected or appointed officials, and other persons employed by or working on behalf of the government of a NATO member country, a major non-NATO ally (including Australia, Egypt, Israel, Japan, Jordan, Argentina, the Republic of Korea, and New Zealand), or Taiwan, for so long as that government is not a party to the International Criminal Court and wishes its officials and other persons working on its behalf to be exempted from the jurisdiction of the International Criminal Court.

(4) **COVERED UNITED STATES PERSONS.**—The term “covered United States persons” means members of the Armed Forces of the United States, elected or appointed officials of the United States Government, and other persons employed by or working on behalf of the United States Government, for so long as the United States is not a party to the International Criminal Court.

(5) **EXTRADITION.**—The terms “extradition” and “extradite” mean the extradition of a person in accordance with the provisions of chapter 209 of title 18, United States Code, (including section 3181(b) of such title) and such terms include both extradition and surrender as those terms are defined in Article 102 of the Rome Statute.

(6) **INTERNATIONAL CRIMINAL COURT.**—The term “International Criminal Court” means the court established by the Rome Statute.

(7) **MAJOR NON-NATO ALLY.**—The term “major non-NATO ally” means a country that has been so designated in accordance with section 517 of the Foreign Assistance Act of 1961.

(8) **PARTICIPATE IN ANY PEACEKEEPING OPERATION UNDER CHAPTER VI OF THE CHARTER OF**

THE UNITED NATIONS OR PEACE ENFORCEMENT OPERATION UNDER CHAPTER VII OF THE CHARTER OF THE UNITED NATIONS.—The term “participate in any peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations” means to assign members of the Armed Forces of the United States to a United Nations military command structure as part of a peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations in which those members of the Armed Forces of the United States are subject to the command or operational control of one or more foreign military officers not appointed in conformity with article II, section 2, clause 2 of the Constitution of the United States.

(9) **PARTY TO THE INTERNATIONAL CRIMINAL COURT.**—The term “party to the International Criminal Court” means a government that has deposited an instrument of ratification, acceptance, approval, or accession to the Rome Statute, and has not withdrawn from the Rome Statute pursuant to Article 127 thereof.

(10) **PEACEKEEPING OPERATION UNDER CHAPTER VI OF THE CHARTER OF THE UNITED NATIONS OR PEACE ENFORCEMENT OPERATION UNDER CHAPTER VII OF THE CHARTER OF THE UNITED NATIONS.**—The term “peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations” means any military operation to maintain or restore international peace and security that—

(A) is authorized by the United Nations Security Council under chapter VI or VII of the charter of the United Nations; and

(B) is paid for from assessed contributions of United Nations members that are made available for peacekeeping or peace enforcement activities.

(11) **ROME STATUTE.**—The term “Rome Statute” means the Rome Statute of the International Criminal Court, adopted by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court on July 17, 1998.

(12) **SUPPORT.**—The term “support” means assistance of any kind, including financial support, transfer of property or other material support, services, intelligence sharing, law enforcement cooperation, the training or detail of personnel, and the arrest or detention of individuals.

(13) **UNITED STATES MILITARY ASSISTANCE.**—The term “United States military assistance” means—

(A) assistance provided under chapter 2 or 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.); or

(B) defense articles or defense services furnished with the financial assistance of the United States Government, including through loans and guarantees, under section 23 of the Arms Export Control Act (22 U.S.C. 2763).

**SEC. 2014. REPEAL OF LIMITATION.**

The Department of Defense Appropriations Act, 2002 (division A of Public Law 107–117) is amended by striking section 8173.

This Act may be cited as the “2002 Supplemental Appropriations Act for Further Recovery From and Response To Terrorist Attacks on the United States”.

The **SPEAKER** pro tempore. Pursuant to House Resolution 431, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. OBEY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. OBEY. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. OBEY of Wisconsin moves to recommit the bill, H.R. 4775, to the Committee on Appropriations with instructions to report the bill forthwith with the following amendment: strike Section 1403.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. OBEY) is recognized for 5 minutes in support of his motion.

Mr. OBEY. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, a lot of people in this Chamber have spent their entire career talking about their opposition to raising the national debt. In fact, the majority of the Members of the Republican Party in this House have sponsored with much fanfare a constitutional amendment requiring an explicit vote by two-thirds of the House in order to raise the debt limit.

This motion simply strikes the provision in the bill that paves the way to raise that debt limit by \$750 billion. For my colleagues to vote against this motion to prevent turning the Social Security card into the Nation's credit card would give hypocrisy a bad name.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. STENHOLM).

(Mr. STENHOLM asked and was given permission to revise and extend his remarks.)

Mr. STENHOLM. Mr. Speaker, finally, after 16 hours of debate, we get an opportunity for a clean up-and-down vote on whether we should increase our national debt ceiling by \$750 billion.

This motion to recommit reaffirms our support for the President and our men and women in uniform and the war on terrorism. Every one of us supports providing whatever funding is necessary to fund the war on terrorism. This motion is about the financial condition of our Nation and whether we will continue piling on more and more debt on our children and grandchildren. We should not be delaying action on funding the war on terrorism by trying to use it to hide the second largest increase in the statutory debt limit in the history of our country. The war on terrorism should be too important for political games.

My colleagues on the other side of the aisle were very willing to stand up and take credit for the tax and spending legislation they passed last year that has put us back into debt. They should be willing to stand up and be counted now that the time has come to pay the bills by raising the national debt limit.

We are not threatening to default on the good faith and credit of the U.S. Government. We have repeatedly extended the hand of bipartisan cooperation by offering to support a temporary increase in the debt limit to meet the expenses of the war and allow government to meet its obligations while Congress and the President work together on a plan to again balance our budget. All we are saying with this motion is hold off on the administration's request for a \$750 billion increase in the debt until we have a plan in place to return the budget to balance without borrowing from Social Security.

It is fiscally irresponsible, I repeat, it is fiscally irresponsible to provide a blank check for increasing borrowing authority without requiring Congress and the President to come up with a plan to get us out of red ink and return to saving the Social Security surplus. Vote for the motion to recommit by striking the effort to hide the increase in the debt ceiling in this motion.

Mr. OBEY. Mr. Speaker, I yield the final 2 minutes to the distinguished gentleman from New York (Mr. RANGEL), the ranking member of the Committee on Ways and Means, which ducked its responsibility to bring a free-standing debt ceiling to the floor of the House.

Mr. RANGEL. Mr. Speaker, this motion to recommit gives us the final opportunity to bring some thread of responsibility to what we are doing this evening, and that is to make certain that we do not jeopardize Social Security; that we do not really make the people pay for the tax cut by taking it out of the Social Security trust fund.

They have hidden in this bill the ability to borrow an additional \$750 billion, and shame on them for doing it in the middle of the night. We could have felt so proud, our colleagues could have made us proud. On this Memorial Day they could have made us feel like we were somebody; that we were in the House of Representatives, not Republicans and Democrats, but those who wanted to support our troops overseas, those who wanted to support the President, those who wanted to fight against terrorism. That flag would have flown in every parade in every county, in every city for all of us as Members of the House of Representatives.

Instead of that, our colleagues wanted to save a couple of Republican seats. They determined that there were people more sick in a Republican district than in a Democratic district. They determined they had to pay off for votes that they picked to unravel international trade agreements. They missed one heck of an opportunity to make us all feel proud on this Memorial Day.

The motion to recommit merely says we want fiscal integrity to go with our responsibility in being patriots. And patriots are the people who do not run away from their responsibility. If we yield to this, we yield to the terrorists.

So our colleagues had a chance for bipartisanship. We had that, and we gave it to the President after 9-11. But in the middle of the night my colleagues had to find some way to get some political advantages. Well, my colleagues, we are mad as hell and we are not taking it any more. The American people demand more of us than that.

And no matter where my colleagues go, whatever they have got to do, we are going to protect that Social Security System. When the flag is up, we are going to salute it; but we are going to take care of the people.

The SPEAKER pro tempore. Is the gentleman from Florida opposed to the motion to recommit?

Mr. YOUNG of Florida. Very definitely, Mr. Speaker.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. YOUNG of Florida. Mr. Speaker, first I want to thank all of the Members for their very spirited and enthusiastic participation in this great exercise in democracy, where the majority rules.

My only request of the Members is to remember that before they vote, this is a wartime emergency supplemental appropriations bill. My colleagues may not like some of the feathers, but the main body of the product is exactly what I said, a wartime emergency supplemental to support our troops in the field and to make sure that they have whatever they need and that we do not stand down any of our military preparedness.

So what I would ask is that Members will vote for final passage for this bill. On this vote, let us vote "no" and then let us go to the final passage vote.

PARLIAMENTARY INQUIRY

Mr. TAYLOR of Mississippi. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may inquire.

Mr. TAYLOR of Mississippi. Mr. Speaker, it is all a little fuzzy, probably by intention.

The SPEAKER pro tempore. Does the gentleman have an inquiry?

Mr. TAYLOR of Mississippi. Yes, sir.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. TAYLOR of Mississippi. Mr. Speaker, is it my understanding that by the passage of this bill the rule allows the debt limit to be increased by \$750 billion?

The SPEAKER pro tempore. The gentleman has not stated a parliamentary inquiry.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 15-minute vote followed by a 5-minute vote on final passage.

The vote was taken by electronic device, and there were—ayes 201, noes 215, not voting 19, as follows:

[Roll No. 205]

#### AYES—201

Abercrombie	Hastings (FL)	Napolitano
Ackerman	Hill	Neal
Allen	Hiiliard	Oberstar
Andrews	Hinchev	Obe
Baca	Hinojosa	Olver
Baird	Hoeffel	Ortiz
Baldacci	Holden	Owens
Baldwin	Holt	Pallone
Barcia	Honda	Pascrell
Barrett	Hooler	Pastor
Becerra	Hoyer	Payne
Bentsen	Inslee	Pelosi
Berkley	Israel	Peterson (MN)
Berman	Jackson (IL)	Phelps
Berry	Jackson-Lee	Pomeroy
Bishop	(TX)	Price (NC)
Blagojevich	Jefferson	Rahall
Blumenauer	John	Rangel
Borski	Johnson, E. B.	Reyes
Boswell	Jones (OH)	Rivers
Boucher	Kanjorski	Rodriguez
Boyd	Kaptur	Roemer
Brady (PA)	Kennedy (RI)	Ross
Brown (FL)	Kildee	Rothman
Brown (OH)	Kilpatrick	Roybal-Allard
Capps	Kind (WI)	Rush
Capuano	Klecicka	Sabo
Cardin	Kucinich	Sanchez
Carson (IN)	LaFalce	Houghton
Carson (OK)	Lampson	Hulshof
Clay	Langevin	Hunter
Clayton	Lantos	Sawyer
Clement	Larsen (WA)	Schakowsky
Clyburn	Larson (CT)	Schiff
Conyers	Lee	Scott
Costello	Levin	Serrano
Coyne	Lewis (GA)	Sherman
Cummings	Lofgren	Shows
Davis (CA)	Lowey	Skelton
Davis (FL)	Lucas (KY)	Slaughter
Davis (IL)	Luther	Smith (WA)
DeFazio	Lynch	Snyder
DeGette	Maloney (CT)	Solis
Delahunt	Maloney (NY)	Spratt
DeLauro	Markey	Stark
Dicks	Mascara	Stenholm
Dingell	Matheson	Strickland
Doggett	Matsui	Stupak
Dooley	McCarthy (MO)	Tanner
Doyle	McCarthy (NY)	Tauscher
Edwards	McCollum	Taylor (MS)
Engel	McDermott	Thurman
Eshoo	McGovern	Tierney
Etheridge	McKinney	Towns
Evans	McNulty	Turner
Farr	Meehan	Udall (CO)
Fattah	Meek (FL)	Udall (NM)
Filner	Meeks (NY)	Velazquez
Ford	Menendez	Visclosky
Frank	Millender	Waters
Frost	McDonald	Watson (CA)
Gephardt	Miller, George	Watt (NC)
Gonzalez	Mink	Waxman
Gordon	Mollohan	Weiner
Green (TX)	Moore	Wexler
Hall (OH)	Moran (VA)	Woolsey
Hall (TX)	Murtha	Wu
Harman	Nadler	Wynn

#### NOES—215

Aderholt	Boozman	Crane
Akin	Brady (TX)	Crenshaw
Armey	Brown (SC)	Cubin
Bachus	Bryant	Culberson
Baker	Burr	Cunningham
Ballenger	Buyer	Davis, Jo Ann
Barr	Callahan	Davis, Tom
Bartlett	Calvert	Deal
Barton	Camp	DeLay
Bass	Cantor	DeMint
Bereuter	Capito	Diaz-Balart
Biggert	Castle	Doolittle
Bilirakis	Chabot	Dreier
Blunt	Chambliss	Duncan
Boehlert	Coble	Dunn
Boehner	Collins	Ehlers
Bonilla	Cooksey	Ehrlich
Bono	Cox	Emerson

English	Kerns
Everett	King (NY)
Ferguson	Kingston
Flake	Kirk
Fletcher	Knollenberg
Foley	Kolbe
Forbes	LaHood
Fossella	Latham
Frelinghuysen	LaTourette
Gallegly	Leach
Ganske	Lewis (CA)
Gekas	Lewis (KY)
Gibbons	LoBiondo
Gilchrest	Lucas (OK)
Gillmor	Manzullo
Gilman	McCrery
Goode	McHugh
Goodlatte	McInnis
Goss	McKeon
Graham	Mica
Granger	Miller, Dan
Graves	Miller, Gary
Green (WI)	Miller, Jeff
Greenwood	Moran (KS)
Grucci	Morella
Gutknecht	Myrick
Hansen	Nethercutt
Hart	Ney
Hastert	Northup
Hastings (WA)	Norwood
Hayes	Osborne
Hayworth	Ose
Hefley	Otter
Hergert	Oxley
Hilleary	Paul
Hobson	Pence
Hoekstra	Peterson (PA)
Horn	Petri
Hostettler	Pickering
Houghton	Pitts
Hulshof	Platts
Hunter	Pombo
Hyde	Portman
Isakson	Pryce (OH)
Issa	Putnam
Istook	Quinn
Jenkins	Ramstad
Johnson (CT)	Regula
Johnson (IL)	Rehberg
Johnson, Sam	Reynolds
Jones (NC)	Riley
Keller	Rogers (KY)
Kelly	Rogers (MI)
Kennedy (MN)	Rohrabacher

#### NOT VOTING—19

Bonior	Deutsch	Roukema
Burton	Gutierrez	Thompson (CA)
Cannon	Linder	Thompson (MS)
Combest	Lipinski	Trafficant
Condit	McIntyre	Vitter
Cramer	Nussle	
Crowley	Radanovich	

□ 0242

Mr. FILNER changed his vote from “no” to “aye.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the passage of the bill.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 280, nays 138, not voting 17, as follows:

[Roll No. 206]

#### YEAS—280

Abercrombie	Ballenger	Bilirakis
Ackerman	Barcia	Bishop
Aderholt	Barr	Blagojevich
Akin	Bartlett	Blunt
Allen	Barton	Boehlert
Andrews	Bass	Boehner
Armey	Bonilla	Bono
Baca	Bereuter	Boozman
Bachus	Berkley	Borski
Baker	Berman	Boucher
Baldacci	Biggert	

Ros-Lehtinen	Brady (PA)
Royce	Brady (TX)
Ryan (WI)	Brown (SC)
Ryun (KS)	Bryant
Saxton	Burr
Schaffer	Buyer
Schrock	Callahan
Sensenbrenner	Calvert
Sessions	Camp
Shadegg	Cannon
Shaw	Cantor
Shays	Capito
Sherwood	Capps
Shimkus	Cardin
Shuster	Carson (OK)
Simmons	Castle
Simpson	Chambliss
Skeen	Clement
Smith (MI)	Coble
Smith (NJ)	Cooksey
Smith (TX)	Crane
Souder	Crenshaw
Stearns	Cubin
Stump	Culberson
Sullivan	Cunningham
Sununu	Davis (CA)
Sweeney	Davis, Jo Ann
Tancred	Davis, Tom
Tauzin	DeLay
Taylor (NC)	DeMint
Terry	Diaz-Balart
Thomas	Dicks
Thornberry	Doolittle
Thune	Doyle
Tiahrt	Dreier
Tiberi	Dunn
Toomey	Edwards
Upton	Ehlers
Walden	Ehrlich
Walsh	Emerson
Wamp	Engel
Watkins (OK)	English
Watts (OK)	Etheridge
Weldon (FL)	Evans
Weldon (PA)	Everett
Weller	Fattah
Whitfield	Ferguson
Wicker	Fletcher
Wilson (NM)	Foley
Wilson (SC)	Forbes
Wolf	Fossella
Young (AK)	Frelinghuysen
Young (FL)	Frost

Hoekstra	Pomeroy
Holden	Portman
Holt	Price (NC)
Hooler	Pryce (OH)
Horn	Putnam
Hostettler	Quinn
Houghton	Ramstad
Hoyer	Regula
Hulshof	Rehberg
Hunter	Reyes
Hyde	Reynolds
Isakson	Riley
Israel	Rodriguez
Istook	Roemer
Jenkins	Rogers (KY)
John	Rogers (MI)
Johnson (CT)	Ros-Lehtinen
Johnson (IL)	Ross
Johnson, Sam	Rothman
Kanjorski	Ryun (KS)
Keller	Sabo
Kelly	Sandlin
Kennedy (MN)	Saxton
Kennedy (RI)	Schaffer
Kildee	Schiff
King (NY)	Schrock
Kingston	Scott
Kirk	Sessions
Knollenberg	Shadegg
Kolbe	Shaw
LaHood	Shays
Lampson	Sherman
Larsen (WA)	Sherwood
Latham	Shimkus
LaTourette	Shows
Leach	Shuster
Levin	Simmons
Lewis (CA)	Simpson
Lewis (KY)	Skeen
LoBiondo	Skelton
Lowey	Smith (NJ)
Lucas (KY)	Smith (TX)
Lucas (OK)	Souder
Luther	Stearns
Maloney (CT)	Strickland
Maloney (NY)	Stump
Markey	Sullivan
Mascara	Sununu
Matheson	Sweeney
McCarthy (NY)	Tancred
McCrery	Tauzin
McHugh	Taylor (NC)
McInnis	Terry
McKeon	Thomas
McNulty	Thornberry
Mica	Thune
Miller, Dan	Thurman
Miller, Gary	Tiahrt
Mollohan	Tiberi
Moore	Toomey
Morella	Turner
Murtha	Upton
Myrick	Walden
Nadler	Walsh
Nethercutt	Wamp
Ney	Watkins (OK)
Northup	Watts (OK)
Nussle	Waxman
Ortiz	Weiner
Osborne	Weldon (FL)
Ose	Weldon (PA)
Otter	Weller
Oxley	Whitfield
Pascrell	Wicker
Pastor	Wilson (NM)
Pence	Wilson (SC)
Peterson (PA)	Wolf
Petri	Wu
Phelps	Wynn
Pickering	Young (AK)
Pitts	Young (FL)
Platts	
Pombo	

#### NAYS—138

Baird	Clayton	DeLauro
Baldwin	Clyburn	Dingell
Barrett	Collins	Doggett
Becerra	Conyers	Dooley
Berry	Costello	Duncan
Blumenauer	Cox	Eshoo
Boswell	Coyne	Farr
Boyd	Cummings	Filner
Brown (FL)	Davis (FL)	Flake
Brown (OH)	Davis (IL)	Ford
Capuano	Deal	Frank
Carson (IN)	DeFazio	Gephardt
Chabot	DeGette	Goode
Clay	Delahunt	Gordon

Green (WI)	Matsui	Royce
Gutknecht	McCarthy (MO)	Rush
Harman	McCollum	Ryan (WI)
Hastings (FL)	McDermott	Sanchez
Hill	McGovern	Sanders
Hilliard	McKinney	Sawyer
Hinchey	Meehan	Schakowsky
Honda	Meek (FL)	Sensenbrenner
Inslee	Meeks (NY)	Serrano
Issa	Menendez	Slaughter
Jackson (IL)	Millender-	Smith (MI)
Jackson-Lee	McDonald	Smith (WA)
(TX)	Miller, George	Snyder
Jefferson	Mink	Solis
Johnson, E. B.	Moran (KS)	Spratt
Jones (NC)	Moran (VA)	Stark
Jones (OH)	Napolitano	Stenholm
Kaptur	Neal	Stupak
Kerns	Norwood	Tanner
Kilpatrick	Oberstar	Tauscher
Kind (WI)	Obey	Taylor (MS)
Kleczka	Olver	Tierney
Kucinich	Owens	Towns
LaFalce	Pallone	Udall (CO)
Langevin	Paul	Udall (NM)
Lantos	Payne	Velazquez
Larson (CT)	Pelosi	Visclosky
Lee	Peterson (MN)	Waters
Lewis (GA)	Rahall	Watson (CA)
Lofgren	Rangel	Watt (NC)
Lynch	Rivers	Wexler
Manzullo	Rohrabacher	Woolsey
Markey	Roybal-Allard	

## NOT VOTING—17

Bonior	Deutsch	Roukema
Burton	Gutierrez	Thompson (CA)
Combest	Linder	Thompson (MS)
Condit	Lipinski	Trafficant
Cramer	McIntyre	Vitter
Crowley	Radanovich	

□ 0250

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

# CONFERENCE REPORT ON S. 1372, EXPORT-IMPORT BANK REAUTHORIZATION ACT OF 2002

Mr. OXLEY submitted the following conference report and statement on the Senate bill (S. 1372) to reauthorize the Export-Import Bank of the United States:

## CONFERENCE REPORT (H. REPT. 107-487)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1372), to reauthorize the Export-Import Bank of the United States, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

## SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Export-Import Bank Reauthorization Act of 2002”.

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Clarification that purposes include United States employment.

Sec. 3. Extension of authority.

Sec. 4. Administrative expenses.

Sec. 5. Increase in aggregate loan, guarantee, and insurance authority.

Sec. 6. Activities relating to Africa.

Sec. 7. Small business.

Sec. 8. Technology.

Sec. 9. Tied Aid Credit Fund.

Sec. 10. Expansion of authority to use Tied Aid Credit Fund.

Sec. 11. Annual competitiveness report.

Sec. 12. Annual report.

Sec. 13. Renewable energy sources.

Sec. 14. GAO report on comparative reserve practices of export credit agencies and private banks.

Sec. 15. Human rights.

Sec. 16. Authority to deny application for assistance based on fraud or corruption by any party involved in the transaction.

Sec. 17. Consideration of foreign country helpfulness in efforts to eradicate terrorism.

Sec. 18. Outstanding orders and preliminary injury determinations.

Sec. 19. Requirement that applicants for assistance disclose whether they have violated certain Acts; maintenance of list of violators.

Sec. 20. Sense of the Congress.

Sec. 21. Consideration of enforcement of certain laws.

Sec. 22. Inspector General of the Export-Import Bank.

Sec. 23. Sense of the Congress in tribute to John E. Robson.

Sec. 24. Correction of references and other technical corrections.

## SEC. 2. CLARIFICATION THAT PURPOSES INCLUDE UNITED STATES EMPLOYMENT.

Section 2(a)(1) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(a)(1)) is amended by striking the 2nd sentence and inserting the following: “The objects and purposes of the Bank shall be to aid in financing and to facilitate exports of goods and services, imports, and the exchange of commodities and services between the United States or any of its territories or insular possessions and any foreign country or the agencies or nationals of any such country, and in so doing to contribute to the employment of United States workers. The Bank’s objective in authorizing loans, guarantees, insurance, and credits shall be to contribute to maintaining or increasing employment of United States workers.”

## SEC. 3. EXTENSION OF AUTHORITY.

Section 7 of the Export-Import Bank Act of 1945 (12 U.S.C. 635f) is amended by striking “2001” and inserting “2006”.

## SEC. 4. ADMINISTRATIVE EXPENSES.

(a) **REQUIRED BUDGET SUBCATEGORIES.**—Section 1105(a) of title 31, United States Code, is amended by adding at the end the following:

“(34) with respect to the amount of appropriations requested for use by the Export-Import Bank of the United States, a separate statement of the amount requested for its program budget, the amount requested for its administrative expenses, and of the amount requested for its administrative expenses, the amount requested for technology expenses.”

(b) **SENSE OF THE CONGRESS ON THE IMPORTANCE OF TECHNOLOGY IMPROVEMENTS.**—

(1) **FINDINGS.**—The Congress finds that—

(A) the Export-Import Bank of the United States is in great need of technology improvements;

(B) part of the amount budgeted for administrative expenses of the Bank is used for technology initiatives and systems upgrades for computer hardware and software purchases;

(C) the Bank is falling behind its foreign competitor export credit agencies’ proactive technology improvements;

(D) small businesses disproportionately benefit from improvements in technology;

(E) small businesses need improvements in Bank technology in order to export transactions quickly, with as little paperwork as possible, and with a quick Bank turn-around time that does not over strain the tight resources of such businesses;

(F) the Bank intends to develop a number of e-commerce initiatives aimed at improving customer service, including web-based application and claim filing procedures which would reduce processing time, speed payment of claims, and increase staff efficiency;

(G) the Bank is beginning the process of moving insurance applications from an outdated mainframe system to a modern, web-enabled database, with new functionality including credit scoring, portfolio management, work flow, and e-commerce features to be added; and

(H) the Bank wants to continue its e-commerce strategy, including developing a website, expanding online applications, and establishing a technology partnership between the public and private sectors.

(2) **SENSE OF THE CONGRESS.**—It is the sense of the Congress that emphasis should be placed on the importance of technology improvements for the Export-Import Bank of the United States, which are of particular importance for small businesses.

## SEC. 5. INCREASE IN AGGREGATE LOAN, GUARANTEE, AND INSURANCE AUTHORITY.

Section 6(a) of the Export-Import Bank Act of 1945 (12 U.S.C. 635e(a)) is amended to read as follows:

“(a) **LIMITATION ON OUTSTANDING AMOUNTS.**—

“(1) **IN GENERAL.**—The Export-Import Bank of the United States shall not have outstanding at any one time loans, guarantees, and insurance in an aggregate amount in excess of the applicable amount.

“(2) **APPLICABLE AMOUNT.**—In paragraph (1), the term ‘applicable amount’ means—

“(A) during fiscal year 2002, \$80,000,000,000;

“(B) during fiscal year 2003, \$85,000,000,000;

“(C) during fiscal year 2004, \$90,000,000,000;

“(D) during fiscal year 2005, \$95,000,000,000;

and

“(E) during fiscal year 2006, \$100,000,000,000.

“(3) **SUBJECT TO APPROPRIATIONS.**—All spending and credit authority provided under this Act shall be effective for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts.”

## SEC. 6. ACTIVITIES RELATING TO AFRICA.

(a) **EXTENSION OF ADVISORY COMMITTEE FOR SUB-SAHARAN AFRICA.**—Section 2(b)(9)(B)(iii) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(9)(B)(iii)) is amended to read as follows:

“(iii) The advisory committee shall terminate on September 30, 2006.”

(b) **COORDINATION OF AFRICA ACTIVITIES.**—Section 2(b)(9)(A) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(9)(A)) is amended by inserting “, in consultation with the Secretary of Commerce and the Trade Promotion Coordinating Committee,” after “shall”.

(c) **CONTINUED REPORTS TO THE CONGRESS.**—Section 7(b) of the Export-Import Bank Reauthorization Act of 1997 (12 U.S.C. 635 note) is amended by striking “4” and inserting “8”.

## SEC. 7. SMALL BUSINESS.

(a) **IN GENERAL.**—Section 2(b)(1)(E)(v) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(E)(v)) is amended by striking “10” and inserting “20”.

(b) **OUTREACH TO CERTAIN SMALL BUSINESSES.**—Section 2(b)(1)(E)(iii)(II) of such Act (12 U.S.C. 635(b)(1)(E)(iii)(II)) is amended by inserting after “Bank” the following: “, with particular emphasis on conducting outreach and increasing loans to socially and economically disadvantaged small business concerns (as defined in section 8(a)(4) of the Small Business Act), small business concerns (as defined in section 3(a) of the Small Business Act) owned by women, and small business concerns (as defined in section 3(a) of the Small Business Act) employing fewer than 100 employees.”

## SEC. 8. TECHNOLOGY.

(a) **SMALL BUSINESS.**—Section 2(b)(1)(E) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(E)) is amended by adding at the end the following:

“(x) The Bank shall implement technology improvements that are designed to improve small business outreach, including allowing customers to use the Internet to apply for the Bank’s small business programs.”.

(b) **ELECTRONIC TRACKING OF PENDING TRANSACTIONS.**—Section 2(b)(1) of such Act (12 U.S.C. 635(b)(1)) is amended by adding at the end the following:

“(J) The Bank shall implement an electronic system designed to track all pending transactions of the Bank.”.

(c) **REPORTS.**—The Export-Import Bank of the United States shall include in the annual report required by section 8(a) of the Export-Import Bank Act of 1945 for each of fiscal years 2002 through 2006 a report on the efforts made by the Bank to carry out subparagraphs (E)(x) and (J) of section 2(b)(1) of such Act, and on how the efforts are assisting small businesses.

#### **SEC. 9. TIED AID CREDIT FUND.**

(a) **PRINCIPLES, PROCESS, AND STANDARDS.**—Section 10(b) of the Export-Import Bank Act of 1945 (12 U.S.C. 635i–3(b)) is amended—

(1) in paragraph (2), by striking subparagraph (A) and inserting the following:

“(A) in consultation with the Secretary and in accordance with the principles, process, and standards developed pursuant to paragraph (5) of this subsection and the purposes described in subsection (a)(5);”;

(2) by adding at the end the following:

“(5) **PRINCIPLES, PROCESS, AND STANDARDS GOVERNING USE OF THE FUND.**—

“(A) **IN GENERAL.**—The Secretary and the Bank jointly shall develop a process for, and the principles and standards to be used in, determining how the amounts in the Tied Aid Credit Fund could be used most effectively and efficiently to carry out the purposes of subsection (a)(6).

“(B) **CONTENT OF PRINCIPLES, PROCESS, AND STANDARDS.**—

“(i) **CONSIDERATION OF CERTAIN PRINCIPLES AND STANDARDS.**—In developing the principles and standards referred to in subparagraph (A), the Secretary and the Bank shall consider administering the Tied Aid Credit Fund in accordance with the following principles and standards:

“(I) The Tied Aid Credit Fund should be used to leverage multilateral negotiations to restrict the scope for aid-financed trade distortions through new multilateral rules, and to police existing rules.

“(II) The Tied Aid Credit Fund will be used to counter a foreign tied aid credit confronted by a United States exporter when bidding for a capital project.

“(III) Credible information about an offer of foreign tied aid will be required before the Tied Aid Credit Fund is used to offer specific terms to match such an offer.

“(IV) The Tied Aid Credit Fund will be used to enable a competitive United States exporter to pursue further market opportunities on commercial terms made possible by the use of the Fund.

“(V) Each use of the Tied Aid Credit Fund will be in accordance with the Arrangement unless a breach of the Arrangement has been committed by a foreign export credit agency.

“(VI) The Tied Aid Credit Fund may only be used to defend potential sales by United States companies to a project that is environmentally sound.

“(VII) The Tied Aid Credit Fund may be used to preemptively counter potential foreign tied aid offers without triggering foreign tied aid use.

“(ii) **CONCLUSION.**—Once the principles, process and standards referred to in subparagraph (A) are followed, the final case-by-case decisions on the use of the Tied Aid Credit Fund shall be made by the Bank: Provided however, the Bank shall not approve the extension of a proposed tied aid credit if the President of the United States determines, after consulting with the

President of the Bank and the Secretary of the Treasury, that the extension of the tied aid credit would materially impede achieving the purposes described in subsection (a)(6).

“(C) **INITIAL PRINCIPLES, PROCESS, AND STANDARDS.**—As soon as is practicable but not later than 6 months after the date of the enactment of this paragraph, the Secretary and the Bank shall submit to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a copy of the principles, process, and standards developed pursuant to subparagraph (A).

“(D) **TRANSITIONAL PRINCIPLES AND STANDARDS.**—The principles and standards set forth in subparagraph (B)(i) shall govern the use of the Tied Aid Credit Fund until the principles, process, and standards required by subparagraph (C) are submitted.

“(E) **UPDATE AND REVISION.**—The Secretary and the Bank jointly should update and revise, as needed, the principles, process, and standards developed pursuant to subparagraph (A), and, on doing so, shall submit to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a copy of the principles, process, and standards so updated and revised.”.

(b) **RECONSIDERATION OF BOARD DECISIONS ON USE OF FUND.**—Section 10(b) of such Act (12 U.S.C. 635i–3(b)) is further amended by adding at the end the following:

“(6) **RECONSIDERATION OF DECISIONS.**—

“(A) **IN GENERAL.**—Taking into consideration the time sensitivity of transactions, the Board of Directors of the Bank shall expeditiously pursuant to paragraph (2) reconsider a decision of the Board to deny an application for the use of the Tied Aid Credit Fund if the applicant submits the request for reconsideration within 3 months of the denial.

“(B) **PROCEDURAL RULES.**—In any such reconsideration, the applicant may be required to provide new information on the application.”.

#### **SEC. 10. EXPANSION OF AUTHORITY TO USE TIED AID CREDIT FUND.**

(a) **UNTIED AID.**—

(1) **NEGOTIATIONS.**—The Secretary of the Treasury shall seek to negotiate an OECD Arrangement on Untied Aid. In the negotiations, the Secretary should seek agreement on subjecting untied aid to the rules governing the Arrangement, including the rules governing disclosure.

(2) **REPORT TO THE CONGRESS.**—Within 1 year after the date of the enactment of this Act, the Secretary of the Treasury shall submit to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report on the successes, failures, and obstacles in initiating negotiations, and if negotiations were initiated, in reaching the agreement described in paragraph (1).

(b) **MARKET WINDOWS.**—

(1) **IN GENERAL.**—The Export-Import Bank Act of 1945 (12 U.S.C. 635 et seq.) is amended by adding at the end the following new section:

#### **“SEC. 15. MARKET WINDOWS.**

“(a) **ENHANCED TRANSPARENCY.**—To ensure that the Bank financing remains fully competitive, the United States should seek enhanced transparency over the activities of market windows in the OECD Export Credit Arrangement. If such transparency indicates that market windows are disadvantaging United States exporters, the United States should seek negotiations for multilateral disciplines and transparency within the OECD Export Credit Arrangement.

“(b) **AUTHORIZATION.**—The Bank may provide financing on terms and conditions that are inconsistent with those permitted under the OECD Export Credit Arrangement—

“(1) to match financing terms and conditions that are being offered by market windows on

terms that are inconsistent with those permitted under the OECD Export Credit Arrangement, if—

“(A) matching such terms and conditions advances the negotiations for multilateral disciplines and transparency within the OECD Export Credit Arrangement; or

“(B) transparency verifies that the market window financing is being offered on terms that are more favorable than the terms and conditions that are available from private financial markets; and

“(2) when the foreign government-supported institution refuses to provide sufficient transparency to permit the Bank to make a determination under paragraph (1).

“(c) **DEFINITION.**—In this section, the term ‘OECD’ means the Organization for Economic Cooperation and Development.”.

(2) **REPORT.**—Within 2 years after the date of the enactment of this Act, the Secretary of the Treasury shall submit to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report on the rationale for seeking or not seeking negotiations for multilateral disciplines and transparency, the successes, failures, and obstacles in initiating negotiations, and if negotiations were initiated, in reaching an agreement.

(c) **USE OF TIED AID CREDIT FUND TO COMBAT UNTIED AID.**—Section 10(a) of the Export-Import Bank Act of 1945 (12 U.S.C. 635i–3(a)) is amended—

(1) in paragraph (4), by striking “and” at the end;

(2) in paragraph (5), by inserting “, or untied aid used to promote exports as if it were tied aid,” before “for commercial” the 1st and 3rd places it appears; and

(3) by redesignating paragraph (5) as paragraph (6) and inserting after paragraph (4) the following:

“(5) the Bank has, at a minimum, the following two tasks:

“(A)(i) First, the Bank should match foreign export credit agencies and aid agencies when they engage in tied aid outside the confines of the Arrangement and when they exploit loopholes, such as untied aid;

“(ii) such matching is needed to provide the United States with leverage in efforts at the OECD to reduce the overall level of export subsidies;

“(iii) only through matching foreign export credit offers can the Bank buttress United States negotiators in their efforts to bring these loopholes within the disciplines of the Arrangement; and

“(iv) in order to bring untied aid within the discipline of the Arrangement, the Bank should consider initiating highly competitive financial support when the Bank learns that foreign untied aid offers will be made; and

“(B) Second, the Bank should support United States exporters when the exporters face foreign competition that is consistent with the Arrangement and the Subsidies Code of the World Trade Organization, but which places United States exporters at a competitive disadvantage; and”.

(d) **DEFINITION OF MARKET WINDOW.**—Section 10(h) of such Act (12 U.S.C. 635i–3(h)) is amended by adding at the end the following:

“(7) **MARKET WINDOW.**—The Bank, in consultation with the Secretary of the Treasury, shall define ‘market window’ for purposes of this section.”.

#### **SEC. 11. ANNUAL COMPETITIVENESS REPORT.**

(a) **IN GENERAL.**—Section 2(b)(1)(A) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(A)) is amended—

(1) in the fourth sentence, by striking “on an annual basis” and inserting “not later than June 30 of each year”;

(2) in the fifth sentence, by inserting “(including through use of market windows)” after “United States exporters”;

(3) by inserting after the fifth sentence, the following new sentence: "With respect to the preceding sentence, the Bank shall use all available information to estimate the annual amount of export financing available from each government and government-related agency."; and

(4) by adding at the end the following new sentence: "The Bank shall include in the annual report a description of all Bank transactions which shall be classified according to their principal purpose, such as to correct a market failure or to provide matching support.".

#### SEC. 12. ANNUAL REPORT.

(a) TECHNOLOGY TO ASSIST SMALL BUSINESSES.—Section 8 of the Export-Import Bank Act of 1945 (12 U.S.C. 635g) is amended by adding at the end the following:

"(C) TECHNOLOGY TO ASSIST SMALL BUSINESSES.—The Bank shall include in its annual report to the Congress under subsection (a) of this section for each of fiscal years 2002 through 2006 a report on the efforts made by the Bank to carry out subparagraphs (E)(x) and (J) of section 2(b)(1) of this Act, and on how the efforts are assisting small business concerns (as defined in section 3(a) of the Small Business Act)."

(b) NUMBER OF SMALL BUSINESS SUPPLIERS OF BANK USERS.—Section 8 of such Act (12 U.S.C. 635g) is further amended by adding at the end the following:

"(d) NUMBER OF SMALL BUSINESS SUPPLIERS OF BANK USERS.—The Bank shall estimate on the basis of an annual survey or tabulation the number of entities that are suppliers of users of the Bank and that are small business concerns (as defined in section 3(a) of the Small Business Act) located in the United States, and shall include the estimate in its annual report to the Congress under subsection (a) of this section.".

(c) OUTREACH TO CERTAIN SMALL BUSINESSES.—Section 8 of such Act (12 U.S.C. 635g) is further amended by adding at the end the following:

"(e) OUTREACH TO CERTAIN SMALL BUSINESSES.—The Bank shall include in its annual report to the Congress under subsection (a) of this section a description of outreach efforts made by the Bank to any socially and economically disadvantaged small business concerns (as defined in section 8(a)(4) of the Small Business Act), small business concerns (as defined in section 3(a) of the Small Business Act) owned by women, and small business concerns (as defined in section 3(a) of the Small Business Act) employing fewer than 100 employees.".

#### SEC. 13. RENEWABLE ENERGY SOURCES.

(a) PROMOTION.—Section 2(b)(1) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)) is further amended by adding at the end the following:

"(K) The Bank shall promote the export of goods and services related to renewable energy sources.".

(b) DESCRIPTION OF EFFORTS TO BE INCLUDED IN ANNUAL COMPETITIVENESS REPORT.—Section 2(b)(1)(A) of such Act (12 U.S.C. 635(b)(1)(A)) is further amended by adding at the end the following: "The Bank shall include in the annual report a description of the efforts undertaken under subparagraph (K)."

#### SEC. 14. GAO REPORT ON COMPARATIVE RESERVE PRACTICES OF EXPORT CREDIT AGENCIES AND PRIVATE BANKS.

Within 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report that examines the reserve ratios of the Export-Import Bank of the United States as compared with the reserve practices of private banks and foreign export credit agencies.

#### SEC. 15. HUMAN RIGHTS.

Section 2(b)(1)(B) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(B)) is amended by inserting "(such as are provided in the Uni-

versal Declaration of Human Rights adopted by the United Nations General Assembly on December 10, 1948)" after "human rights".

#### SEC. 16. AUTHORITY TO DENY APPLICATION FOR ASSISTANCE BASED ON FRAUD OR CORRUPTION BY ANY PARTY INVOLVED IN THE TRANSACTION.

Section 2 of the Export-Import Bank Act of 1945 (12 U.S.C. 635) is amended by adding at the end the following:

"(f) AUTHORITY TO DENY APPLICATION FOR ASSISTANCE BASED ON FRAUD OR CORRUPTION BY PARTY INVOLVED IN THE TRANSACTION.—In addition to any other authority of the Bank, the Bank may deny an application for assistance with respect to a transaction if the Bank has substantial credible evidence that any party to the transaction or any party involved in the transaction has committed an act of fraud or corruption in connection with the transaction.".

#### SEC. 17. CONSIDERATION OF FOREIGN COUNTRY HELPFULNESS IN EFFORTS TO ERADICATE TERRORISM.

Section 2(b)(1)(B) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(B)) is amended in the penultimate sentence by inserting "(including, when relevant, a foreign nation's lack of cooperation in efforts to eradicate terrorism)" after "international terrorism".

#### SEC. 18. OUTSTANDING ORDERS AND PRELIMINARY INJURY DETERMINATIONS.

Section 2(e) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(e)) is amended—

(1) in paragraph (2), by striking "Paragraph (1)" and inserting "Paragraphs (1) and (2)"; and

(2) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4) and by inserting after paragraph (1) the following:

"(2) OUTSTANDING ORDERS AND PRELIMINARY INJURY DETERMINATIONS.—

"(A) ORDERS.—The Bank shall not provide any loan or guarantee to an entity for the resulting production of substantially the same product that is the subject of—

"(i) a countervailing duty or antidumping order under title VII of the Tariff Act of 1930; or

"(ii) a determination under title II of the Trade Act of 1974.

"(B) AFFIRMATIVE DETERMINATION.—Within 60 days after the date of the enactment of this paragraph, the Bank shall establish procedures regarding loans or guarantees provided to any entity that is subject to a preliminary determination of a reasonable indication of material injury to an industry under title VII of the Tariff Act of 1930. The procedures shall help to ensure that these loans and guarantees are likely to not result in a significant increase in imports of substantially the same product covered by the preliminary determination and are likely to not have a significant adverse impact on the domestic industry. The Bank shall report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate on the implementation of these procedures.

"(C) COMMENT PERIOD.—The Bank shall establish procedures under which the Bank shall notify interested parties and provide a comment period with regard to loans or guarantees reviewed pursuant to subparagraph (B) or (D).

"(D) CONSIDERATION OF INVESTIGATIONS UNDER TITLE II OF THE TRADE ACT OF 1974.—In making any determination under paragraph (1) for a transaction involving more than \$10,000,000, the Bank shall consider investigations under title II of the Trade Act of 1974 that have been initiated at the request of the President of the United States, the United States Trade Representative, the Committee on Finance of the Senate, or the Committee on Ways and Means of the House of Representatives, or by the International Trade Commission on its own motion.".

#### SEC. 19. REQUIREMENT THAT APPLICANTS FOR ASSISTANCE DISCLOSE WHETHER THEY HAVE VIOLATED CERTAIN ACTS; MAINTENANCE OF LIST OF VIOLATORS.

Section 2(b)(1) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)) is further amended by adding at the end the following:

"(L) The Bank shall require an applicant for assistance from the Bank to disclose whether the applicant has been found by a court of the United States to have violated the Foreign Corrupt Practices Act of 1977, the Arms Export Control Act, the International Emergency Economic Powers Act, or the Export Administration Act of 1979 within the preceding 12 months, and shall maintain, in cooperation with the Department of Justice, for not less than 3 years a record of such applicants so found to have violated any such Act.".

#### SEC. 20. SENSE OF THE CONGRESS.

It is the sense of the Congress that, when considering a proposal for assistance for a project the cost of which is \$10,000,000 or more, the management of the Export-Import Bank of the United States should have available for review a detailed assessment of the potential human rights impact of the proposed project.

#### SEC. 21. CONSIDERATION OF ENFORCEMENT OF CERTAIN LAWS.

Section 2(b)(1)(B) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(B)) is amended in the penultimate sentence by inserting "the enforcement of the Foreign Corrupt Practices Act of 1977, the Arms Export Control Act, the International Emergency Economic Powers Act, or the Export Administration Act of 1979," after "nuclear proliferation,".

#### SEC. 22. INSPECTOR GENERAL OF THE EXPORT-IMPORT BANK.

(a) ESTABLISHMENT OF POSITION.—Section 11 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (1), by striking "or the Board of Directors of the Tennessee Valley Authority;" and inserting "the Board of Directors of the Tennessee Valley Authority; or the President of the Export-Import Bank;"; and

(2) in paragraph (2), by striking "or the Tennessee Valley Authority;" and inserting "the Tennessee Valley Authority, or the Export-Import Bank,".

(b) EXECUTIVE LEVEL IV.—Section 5315 of title 5, United States Code, is amended by inserting after the item relating to the Inspector General of the Environmental Protection Agency the following:

"Inspector General, Export-Import Bank."

(c) INITIAL IMPLEMENTATION.—Section 9(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by inserting "to the Office of the Inspector General," after "(2)".

(d) TECHNICAL CORRECTIONS.—Section 11 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (1)—

(A) by striking the second semicolon after "Community Service";

(B) by striking "and" after "Financial Institutions Fund;"; and

(C) by striking "and" after "Trust Corporation;";

(2) in paragraph (2), by striking "or" after "Community Service;"; and

(3) in paragraph (5), by striking "section 552(e)" and inserting "section 552(f)".

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2002.

#### SEC. 23. SENSE OF THE CONGRESS IN TRIBUTE TO JOHN E. ROBSON.

(a) FINDINGS.—The Congress finds that—

(1) from his appointment in 2001 as President and Chairman of the Export-Import Bank of the United States until his death on March 20, 2002, John E. Robson provided powerful leadership for that institution, instilling his spirit of excellence within the Bank and ensuring the Bank's



role as a prominent player in the trade and economic policy of the United States; and

(2) during his time at the Export-Import Bank of the United States, John E. Robson served as a role model for all of his colleagues with his dedication to the institution, commitment to excellence, resolute sense of integrity, and desire to leave the Bank a better place than how he found it.

(b) *SENSE OF THE CONGRESS.*—The Congress is deeply saddened by the death of John E. Robson, President and Chairman of the Board of Directors of the Export-Import Bank of the United States, and expresses to the family of John E. Robson its deep appreciation for the contributions he made and the legacy he leaves behind, and its heartfelt sorrow at his passing.

#### SEC. 24. CORRECTION OF REFERENCES AND OTHER TECHNICAL CORRECTIONS.

(a) *CORRECTION OF REFERENCES.*—

(1) Section 2(b)(1)(B) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(B)) is amended by striking “Banking and”.

(2) Each of the following provisions of such Act is amended by striking “Banking, Finance and Urban Affairs” and inserting “Financial Services”:

(A) Section 2(b)(6)(D)(i)(III) (12 U.S.C. 635(b)(6)(D)(i)(III)).

(B) Section 2(b)(6)(H) (12 U.S.C. 635(b)(6)(H)).

(C) Section 2(b)(6)(I)(i)(II) (12 U.S.C. 635(b)(6)(I)(i)(II)).

(D) Section 2(b)(6)(I)(iii) (12 U.S.C. 635(b)(6)(I)(iii)).

(E) Section 10(g)(1) (12 U.S.C. 635i-3(g)(1)).

(b) *TECHNICAL CORRECTIONS.*—

(1) Clauses (ii) and (iii) of section 2(b)(1)(H) of such Act (12 U.S.C. 635(b)(1)(H)) are each amended by striking “4” and inserting “3”.

(2) Section 2(b) of such Act (12 U.S.C. 635(b)) is amended by aligning the margins of paragraph (12) with the margins of paragraph (11).

(3) Section 2(b)(6)(E) of such Act (12 U.S.C. 635(b)(6)(E)) is amended by striking “international” and inserting “internationally”.

(4) Section 3(d)(2) of such Act (12 U.S.C. 635a(d)(2)) is amended by aligning the margins of subparagraph (B) with the margins of subparagraph (A).

(5) Section 12(a)(1) of such Act (12 U.S.C. 635i-6(a)(1)) is amended by striking “section” and inserting “subsection”.

(6) Section 14(a) of such Act (12 U.S.C. 635i-8(a)) is amended by striking “principle” and inserting “principal”.

And the House agree to the same.

MICHAEL G. OXLEY,  
DOUG BEREUTER,  
PAT TOOMEY,  
GARY G. MILLER,  
JOHN J. LAFALCE,  
DAN BURTON,  
STEPHEN HORN,  
HENRY A. WAXMAN,

*Managers on the Part of the House.*

PAUL SARBANES,  
CHRIS DODD,  
TIM JOHNSON,  
EVAN BAYH,  
PHIL GRAMM,  
RICHARD SHELBY,  
CHUCK HAGEL,

*Managers on the Part of the Senate.*

#### JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill S. 1372, to reauthorize the Export-Import Bank of the United States, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment struck all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment that is a substitute for the Senate bill and the House amendment. The differences between the Senate bill, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clerical changes.

The managers on the part of the House and Senate met on May 21, 2002 (the Senate chairing), and reconciled the differences between the two bills are explained below.

#### SHORT TITLE

##### *Senate Bill*

Section 1 of the Senate bill provides the short title of the bill, the “Export-Import Bank Reauthorization Act of 2001.”

##### *House Amendment*

Section 1 of the House amendment provides the short title of the bill, the “Export-Import Bank Reauthorization Act of 2002”, and provides a table of contents.

##### *Conference Agreement*

The Senate recedes to the House, with an amendment consisting of an updated table of contents.

##### *Clarification That Purposes Include United States Employment*

##### *Senate Bill*

The Senate bill contains no similar provision.

##### *House Amendment*

Section 2 of the House amendment provides that the objects and purposes of the Bank include ensuring the employment of United States workers.

##### *Conference Agreement*

The Senate recedes with an amendment stating that the Bank’s objective shall be to contribute to maintaining employment of U.S. workers.

#### EXTENSION OF AUTHORITY

##### *Senate Bill*

Section 2 of the Senate bill reauthorizes the Export-Import Bank of the United States (the Bank or Ex-Im) through September 30, 2006.

##### *House Amendment*

Section 3 of the House amendment reauthorizes the Bank through September 30, 2005.

##### *Conference Agreement*

The House recedes to the Senate. The intention of the conferees was to provide an extension of the authorization for the Bank—2006—that would not coincide with the first year of a President’s term. The purpose was not to burden a new Administration with the task of both placing new leadership in the Bank and managing the reauthorization of the Bank.

#### ADMINISTRATIVE EXPENSES

##### *Senate Bill*

The Senate bill contains no similar provision.

##### *House Amendment*

Section 4 of the House amendment authorizes \$80 million for the administrative budget of the Bank for FY2002. For FY2003 through 2005, the amount authorized for administrative expenses is \$80 million plus an annual inflation index. The following two new budget subcategories are created within the Administrative expenses budget category: technology, and outreach to small businesses with fewer than 100 employees. For FY2002, the bill authorizes \$2 million for outreach to small businesses with fewer than 100 employ-

ees. For FY2003 to FY2005, this \$2 million authorization figure will be indexed annually for inflation. This section also includes sense of the Congress language on the importance of technology improvements at the Bank.

##### *Conference Agreement*

The Conferees agree to include budget subcategories in the President’s budget relating to administrative expenses and to a sense of the Congress on the importance of technology improvements at the Export-Import Bank.

#### INCREASE IN AGGREGATE LOAN, GUARANTEE, AND INSURANCE AUTHORITY

##### *Senate Bill*

The Senate bill contains no similar provision.

##### *House Amendment*

Section 5 of the House amendment increases the current statutory ceiling of \$75 billion on the total amount of Ex-Im loans, guarantees, and insurance outstanding at any one time to \$100 billion in FY 2002, \$110 billion in FY 2003, \$120 billion in FY 2004 and \$130 billion in FY 2005. This statutory ceiling will also be indexed for inflation in each year of the authorization.

##### *Conference Agreement*

The Senate recedes with an amendment to increase the Bank’s loan, guaranty, and insurance authority to \$85 billion in FY 2003, \$90 billion in FY 2004, \$95 billion in FY 2005, and \$100 billion FY 2006.

#### ACTIVITIES RELATING TO AFRICA

##### *Senate Bill*

Section 3 of the Senate bill extends the expiration date for the sub-Saharan Africa advisory committee of the Export-Import Bank from September 30, 2001 to September 30, 2006.

##### *House Amendment*

Section 6 of the House amendment reauthorizes the sub-Saharan Africa Advisory Committee for four years until September 30, 2005. The provision requires the Bank to continue to report to Congress annually for each of the four years on steps taken in Sub-Saharan Africa and to consult with the Department of Commerce and the Trade Promotion Coordinating Committee on Africa activities. This section also creates an Office on Africa within the Bank.

##### *Conference Agreement*

The House recedes with amendments relating to the Trade Promotion Coordinating Council and reports issued to Congress.

#### SMALL BUSINESS

##### *Senate Bill*

Section 5 of the Senate bill increases from 10 percent to 18 percent the amount the Ex-Im Bank must make available of its aggregate loan, guarantee, and insurance authority each fiscal year to finance exports directly by small business concerns.

##### *House Amendment*

Section 7 of the House amendment increases the volume of small business lending the Bank must pursue from the current statutory minimum of 10 percent of all authorizations annually to a minimum of 20 percent of total Bank financing. The Bank is required to set-aside a minimum of 8 percent of the total Bank financing to be used for small businesses with less than 100 employees. The Bank must also conduct outreach and increase loans to businesses owned by socially disadvantaged individuals or women and also must establish an Office of Small Business Exporters.

##### *Conference Agreement*

The Senate recedes to the House with an amendment providing for outreach to businesses owned by socially and economically



disadvantaged small business concerns, small businesses owned by women and to small businesses employing fewer than 100 employees. The Small Business Administration's definitions of businesses owned by "socially disadvantaged individuals" and women are the definitions to be used by the Bank in the implementation of this provision.

#### TECHNOLOGY

##### *Senate Bill*

The Senate bill contains no similar provision.

##### *House Amendment*

Section 8 of the House amendment requires the Bank to focus on technology improvements, which will improve small business outreach. The legislation directs the Bank to implement both an electronic system designed to track all pending transactions and technology to allow customers to use the Internet to apply for all Bank programs. The Bank is also directed to submit to Congress an interim report and an annual report for each year of the four-year authorization on technological progress made by the Bank and on how this is assisting small businesses.

##### *Conference Agreement*

The Senate recedes with an amendment focusing the efforts on small business and mandating an annual report on the Bank's progress.

#### TIED AID CREDIT FUND

##### *Senate Bill*

The Senate bill contains no similar provision.

##### *House Amendment*

Section 9 of the House amendment mandates that the Department of Treasury in cooperation with the Export-Import Bank develop the process and standards governing how the Tied Aid Credit Fund is used. The Department of Treasury must report on this process and standards to the House Financial Services and Senate Banking Committees as soon as possible but no later than 6 months after enactment of this legislation. Any subsequent updates to the process and standards must likewise be reported to Congress. The Export-Import Bank will administer the Tied Aid Credit Fund on a deal-by-deal basis in accordance with these standards. The Department of Treasury will not have the power to veto specific Tied Aid Credit Fund transactions. Until the Department of Treasury has reported back to the House Financial Services and the Senate Banking committees on standards for the Tied Aid Credit Fund, the standards enumerated in the legislation will govern the use of the Tied Aid Credit Fund. Finally, this section also requires the Bank to reconsider a denial of the use of Tied Aid funds if the applicant requests reconsideration within 3 months of the original decision.

##### *Conference Agreement*

The Senate recedes to the House with an amendment removing the reference to the ability of the Secretary of Treasury's authority to veto the use of tied aid and stating that the after the principals, process and standards developed by the Department of Treasury and the Export-Import Bank have been followed in a given case, the Export-Import Bank will make the final decision on that case regarding the use of the tied aid credit. However, such credit shall not be approved if the President of the United States determines after consulting with the President of Ex-Im and the Secretary of the Treasury that the extension of such credit would materially impede the enforcement of existing arrangements restricting the use of tied aid or efforts to establish, negotiate or

enforce arrangements to restrict the use of tied aid for commercial purposes.

#### RENAMING OF TIED AID CREDIT PROGRAM AND FUND AS EXPORT COMPETITIVENESS PROGRAM AND FUND

##### *Senate Bill*

The Senate bill contains no similar provision.

##### *House Amendment*

Section 11 of the House amendment renames the Tied Aid Credit Program and Fund as the Export Competitiveness Program and Fund. This change is necessary since section 10 of the House amendment allows the Tied Aid Credit Program and Fund to be used to combat untied aid and market windows.

##### *Conference Agreement*

The House recedes to the Senate.

#### EXPANSION OF AUTHORITY TO USE TIED AID CREDIT FUND

##### *Senate Bill*

Section 6 of the Senate bill directs the U.S. to seek negotiations for multilateral disciplines and transparency for market windows within the Organization for Economic Cooperation and Development (OECD) Export Credit Arrangement. It also authorizes the Ex-Im Bank to match market windows financing that is inconsistent with the Arrangement if the matching advances OECD negotiations or the market windows financing is offered on terms and conditions more favorable than financing available from private financial markets.

##### *House Amendment*

Section 10 of the House amendment directs the Secretary of the Treasury to seek to negotiate agreements or "arrangements" on untied aid and market windows within the OECD. One year after the enactment of the legislation, the Treasury Department must report to the House Financial Services Committee and the Senate Banking Committee on progress in reaching this OECD agreement on untied aid. Two years after enactment of the legislation, the Treasury Department must report to the House Financial Services Committee and the Senate Banking Committee on progress in reaching an OECD agreement on market windows. This section allows the Tied Aid Credit Fund to be used to combat both untied aid and market windows.

##### *Conference Agreement*

The Conferees adopt a provision consisting of the House provisions relating to untied aid and the Senate provision relating to market windows with an additional report relating to negotiations on market windows in the OECD.

#### ANNUAL COMPETITIVENESS REPORT

##### *Senate Bill*

Section 4 of the Senate bill requires the Ex-Im Bank to submit its annual competitiveness report to Congress not later than June 30 of each year. Section 4 also specifies that the bank's annual report to Congress on export credit competition should include information on export financing available to foreign competitors through market windows. Finally, section 4 requires the Ex-Im Bank to estimate the annual amount of export financing available from the government and government-related agencies and include that information in Ex-Im's annual competitiveness report.

##### *House Amendment*

Section 12 of the House amendment requires the Bank to submit its annual competitiveness report by June 30 of each year. Within this report, the Bank is directed to list the volumes of financing of the different

Foreign Export Credit Agencies and classify its transactions according to their principal purpose, such as to correct a market failure or provide matching support.

##### *Conference Agreement*

The House recedes to the Senate with an amendment providing for a description of all Bank transactions which shall be classified according to their principal purpose.

#### ANNUAL REPORT

##### *Senate Bill*

The Senate bill contains no similar provision.

##### *House Amendment*

Section 12 of the House amendment requires the Bank to report on the efforts made by the Bank to assist small business concerns and an estimate on the number of entities that are small business suppliers of users of the Export-Import Bank. This section also requires the Bank's report to include a description of the Bank's efforts on outreach to businesses owned by socially disadvantaged individuals, by women.

##### *Conference Agreement*

The Conferees agree to create a new section entitled "Annual Report" which requires the Bank to supply the Congress information relating to technology assistance to small business concerns, and small business suppliers to users of the Bank. The Bank is further required to report on outreach efforts to socially and economically disadvantaged small business concerns, small business concerns owned by women, and small business employing fewer than 100 people.

#### RENEWABLE ENERGY SOURCES

##### *Senate Bill*

The Senate bill contains no similar provision.

##### *House Amendment*

Section 13 of the House amendment requires the Bank to promote the export of American goods and services related to renewable energy sources. As part of the Bank's annual competitiveness report requirement, the Bank must report to the House Financial Services and Senate Banking Committees on efforts to promote exports in renewable energy sources.

##### *Conference Agreement*

The Senate recedes to the House.

#### SENSE OF THE CONGRESS RELATING TO RENEWABLE ENERGY TARGETS

##### *Senate Bill*

The Senate bill contains no similar provision.

##### *House Amendment*

Section 21 of the House amendment expresses the sense of Congress that no more than 95 percent of Ex-Im's energy related transactions should include fossil fuel projects and not less than 5 percent should be related to renewable energy and energy efficiency projects. For the purposes of this section renewable energy projects include areas such as solar, wind, biomass, fuel cell, landfill gas, and geothermal energy sources.

##### *Conference Agreement*

The House recedes to the Senate.

#### GAO REPORT

##### *Senate Bill*

The Senate bill contains no similar provision.

##### *House Amendment*

Section 14 of the House amendment requires the GAO to submit a report, within one year after enactment, examining the legal merits of potential U.S. cases brought in the WTO seeking relief against untied aid

and market windows and examining the scope of penalty tariffs that the United States could impose against imports from countries that united aid or market windows. Second, the GAO must submit a report, by one year after enactment, examining the Ex-Im reserve ratios as compared to the reserve practices of private banks and foreign Export Credit Agencies.

#### *Conference Agreement*

The Senate recedes with an amendment removing the GAO report relating to the WTO.

#### HUMAN RIGHTS

#### *Senate Bill*

The Senate bill contains no similar provision.

#### *House Amendment*

Section 15 of the House amendment clarifies that the Universal Declaration of Human Rights, as adopted by the United Nations General Assembly on December 10, 1948, should be used in making the human rights determination under the Chafee procedure.

#### *Conference Agreement*

The Senate recedes with an amendment indicating that the assessments of violations of human rights are not limited solely limited to the universal declaration adopted by the U.N.

#### AUTHORITY TO DENY APPLICATION FOR ASSISTANCE BASED ON FRAUD OR CORRUPTION BY THE APPLICANT

#### *Senate Bill*

The Senate bill contains no similar provision.

#### *House Amendment*

Section 18 of the House amendment gives the authority to the Bank to deny an application for assistance if there is credible evidence that a party to a transaction has committed an act of fraud or corruption regarding a good or service that is either the same or substantially similar to the subject of the application.

#### *Conference Agreement*

The Senate recedes to the House with an amendment making the provision applicable only to the transaction for which financing from the Bank has been sought.

#### CONSIDERATION OF FOREIGN COUNTRY HELPFULNESS IN EFFORTS TO ERADICATE TERRORISM

#### *Senate Bill*

The Senate bill contains no similar provision.

#### *House Amendment*

Section 19 of the House amendment requires the Bank, when considering whether to guarantee, insure, or extend credit, to take into account the extent to which a nation has been helpful or unhelpful in efforts to eradicate terrorism.

#### *Conference Agreement*

The Conferees agree to amend Section 2(b)(1)(B) of the Export-Import Bank Act of 1945, the Chafee Amendment, to include a foreign nation's lack of cooperation in efforts to eradicate terrorism.

#### OUTSTANDING ORDERS AND PRELIMINARY INJURY DETERMINATIONS

#### *Senate Bill*

The Senate bill contains no similar provision.

#### *House Amendment*

Section 20 of the House amendment addresses the effect of outstanding trade orders and preliminary injury trade determinations on the Bank's financing. The Bank is prohibited from providing any loan or guarantee to an entity for the resulting production of substantially the same product that is subject

of a countervailing duty or anti-dumping order under title VII of the Tariff Act of 1930 or a determination under title II of the Trade Act of 1974. In the case of countervailing duty or anti-dumping orders, the prohibition applies to each country or firm that is the subject of the final order. The Bank is also directed to establish procedures, within 60 days after enactment of this bill, regarding loans or guarantees provided to any entity that is subject to a preliminary determination of a reasonable indication of material injury under title VII of the Tariff Act of 1930.

#### *Conference Agreement*

The Senate recedes with an amendment relating to investigations under title II of the Trade Act of 1974 regarding transactions over \$10 million that have been initiated by the President, the United States Trade Representative, the Committee on Finance of the Senate, or the Committee on Ways and Means of the House of Representatives or by the International Trade Commission on its own motion.

#### REQUIREMENT THAT APPLICANTS FOR ASSISTANCE DISCLOSE WHETHER THEY HAVE VIOLATED CERTAIN ACTS; MAINTENANCE OF LIST OF VIOLATORS

#### *Senate Bill*

The Senate bill contains no similar provision.

#### *House Amendment*

Section 22 of the House amendment requires an applicant for assistance from Ex-Im to disclose whether they have been found by a court of the U.S. to have violated the Foreign Corrupt Practices Act, and require Ex-Im to maintain a list of persons who have violated such Act.

#### *Conference Agreement*

Conference accepts with an amendment to include the Arms Export Control Act, the International Emergency Economic Powers Act, or the Export Administration Act. Violations of the enumerated Acts must have occurred in the proceeding 12 months of any new application and the finding must be made by a title III court of the United States. The Bank will maintain, in cooperation with the Department of Justice, a record for not less than three years of applicants so found to have violated any of the Acts.

#### SENSE OF THE CONGRESS

#### *Senate Bill*

The Senate bill contains no similar provision.

#### *House Amendment*

Section 23 of the House amendment expresses the sense of Congress that the Ex-Im Bank should have available a detailed assessment of potential human rights impact of the proposed project when considering a project worth \$10 million or more.

#### *Conference Agreement*

The Senate recedes to the House.

#### INSPECTOR GENERAL OF THE IMPORT EXPORT BANK

#### *Senate Bill*

Section 7 of the Senate bill establishes an Inspector General of the Export-Import Bank and included provisions relating to the Export-Import Bank's audit committee.

#### *House Amendment*

The House amendment contains no similar provision.

#### *Conference Agreement*

The House recedes with an amendment removing the audit committee provisions.

#### ADDITIONAL PROVISIONS ADOPTED BY THE CONFERENCE

The Conferees agreed to the following additional provisions related to the Senate bill and House amendment.

First, the Conferees agree to amend Section 2(b)(1)(B) of the Export-Import Bank Act of 1945, the Chafee Amendment, and provisions of the Bank's charter in order to add the enforcement of the Arms Export Control Act, the Foreign Corrupt Practices Act, the International Emergency Economic Powers Act, or the Export Administration Act to its provisions.

Second, the Conferees agree to add a provision commemorating the contributions of John Robson to the United States and to the Export-Import Bank.

#### CORRECTION OF REFERENCES

#### *Senate Bill*

The Senate bill contains no similar provision.

#### *House Amendment*

Section 17 of the House amendment changes reference to House Banking Committee to House Financial Services Committee.

#### *Conference Agreement*

The Senate recedes to the House.

#### STEEL

#### *Senate Bill*

The Senate bill contains no similar provision.

#### *House Amendment*

Section 16 of the House amendment requires that the Bank reevaluate its adverse impact test on United States industries as a result of the Benxi Iron and Steel Company Bank loan guarantee in Benxi, Liaoning, China. The Bank must report back to Congress on this reassessment within one year after enactment of this legislation.

#### *Conference Agreement*

The House recedes to the Senate.

MICHAEL G. OXLEY,  
DOUG BEREUER,  
PAT TOOMEY,  
GARY G. MILLER,  
JOHN J. LaFALCE,  
DAN BURTON,  
STEPHEN HORN,  
HENRY A. WAXMAN,

#### *Managers on the Part of the House.*

PAUL SARBANES,  
CHRIS DODD,  
TIM JOHNSON,  
EVAN BAYH,  
PHIL GRAMM,  
RICHARD SHELBY,  
CHUCK HAGEL,

#### *Managers on the Part of the Senate.*

#### PROVIDING FOR CONDITIONAL RECESS OR ADJOURNMENT OF SENATE AND CONDITIONAL ADJOURNMENT OF HOUSE OF REPRESENTATIVES

The Speaker pro tempore (Mr. SIMPSON) laid before the House the following privileged Senate concurrent resolution (S. Con. Res. 118) providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives.

The Clerk read the Senate concurrent resolution, as follows:

#### S. CON. RES. 118

*Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on any day from Thursday, May 23, 2002,*

through Saturday, May 25, 2002, or from Tuesday, May 28, 2002, through Friday May 31, 2002, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until 12:00 noon on Monday, June 3, 2002, or Tuesday, June 4, 2002, or until such other time on either of those days as may be specified in the motion to recess or adjourn, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on the legislative day of Thursday, May 23, 2002, through Saturday, May 25, 2002, or on any legislative day from Tuesday, May 28, 2002, through Friday, May 31, 2002, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2:00 p.m. on Tuesday, June 4, 2002, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

The SPEAKER pro tempore. Without objection, the Senate concurrent resolution is concurred in.

Mr. TAYLOR of Mississippi. Mr. Speaker, I reserve the right to object.

The SPEAKER pro tempore. Does the gentleman withdraw his reservation of objection?

Mr. TAYLOR of Mississippi. Yes, Mr. Speaker.

The SPEAKER pro tempore. Without objection, the Senate concurrent resolution is concurred in.

There was no objection.

A motion to reconsider was laid on the table.

#### DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, JUNE 5, 2002

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, June 5, 2002.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

#### AUTHORIZING THE SPEAKER, MAJORITY LEADER, AND MINORITY LEADER TO ACCEPT RESIGNATIONS AND MAKE APPOINTMENTS NOTWITHSTANDING ADJOURNMENT

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House until Tuesday, June 4, 2002, the Speaker, majority leader and minority leader be authorized to accept resignations and to make appointments authorized by law or by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

#### APPOINTMENT OF THE HONORABLE CONSTANCE A. MORELLA TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH JUNE 4, 2002

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,

May 23, 2002.

I hereby appoint the Honorable CONSTANCE A. MORELLA to act as Speaker pro tempore to sign enrolled bills and joint resolutions through June 4, 2002.

J. DENNIS HASTERT,

*Speaker of the House of Representatives.*

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

#### SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

#### INCREASING THE NATIONAL DEBT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. TAYLOR) is recognized for 5 minutes.

Mr. TAYLOR of Mississippi. Mr. Speaker, I thank my colleagues who remain awake at 3 o'clock this morning, and for the folks who work for this House, I very much apologize for you keeping awake 5 minutes longer, but I do think that this House has hit what could possibly be the lowest low it has ever hit.

Two weeks ago, the House that claims to be for national security refused to give this Member a vote on whether or not we would prevent another round of base closures, because I think that is incredibly stupid and a waste of money. But what is so much worse than that is that, without an up-or-down vote, without having the guts, the courage, the fortitude, and may I say the honesty to say that you are increasing the debt limit by \$750 billion, the House just voted to do so. You wrapped it in a package that would help the troops to the tune of \$21 billion, but what you really have done is increased the debt limit and put our Nation another \$750 billion in debt.

Let me tell you why I think that is bad. As of the end of last month, our Nation was \$5,984,677,357,213.86 in debt. Sometimes that is just mind-boggling. But let us bring it back to reality. Let us bring it back to one lifetime. Let us bring it back to my daughter Sarah's lifetime.

On the day she was born on Christmas, 1978, our Nation was less than \$1 trillion in debt. We had gone through the Revolutionary War, the War of

1812, the Mexican-American War, the Civil War, the Spanish-American War, World War I, World War II, the Korean War and the Vietnam War.

□ 0300

We built the interstate highway system, St. Lawrence Seaway. We have done so many good things for the citizens, and we managed to do it and borrow less than \$1 trillion. In 1980 Ronald Reagan became President, made the promise that we could somehow cut taxes and increase spending and it is all going to work, in a Democratic House, but a Republican Senate, a Republican President. At the end of those 8 years, he had doubled the national debt to \$2 trillion. That is a fact. And he never lost a veto vote. If he thought it was that bad a deal, he could have vetoed those bills and he would have won, but he did not, and that is a fact.

So what we have now 22 years later is \$5 trillion more debt. What is really bad about that debt is folks back home, when you tell them, they say, where does my tax money go? They think it goes to food stamps or they think it goes to welfare, and they are absolutely appalled when we tell them it is squandered on interest on the national debt, \$1 billion a day. It does not educate a kid, it does not defend the country, it does not pave a highway. It is just squandered, and a third of that money goes to German and Japanese lending institutions. Mr. Speaker, \$100 billion a year leaves this country in interest payments to German and Japanese lending institutions.

So where does it stop? I believed you guys. I really did. I believed the Republicans when they said give us a chance to govern and we will balance the budget, but you lied to me. You were given a chance to govern, and you balanced the budget for 1 year and then you went crazy on tax breaks, because that is where the campaign contributions are. That is what it is all about. Have the honesty to admit it. You passed a so-called death tax repeal because that is where the campaign contributions are. So you reduced revenues, you increased spending, and you are somehow surprised that in 12 months you have increased the national debt by \$323,329,559,211.21. And what makes me mad, this son of a television salesman, is that my kids have to pay that bill. I do not like you sticking my kids with your bills.

I am for the troops. I did not ask for the Committee on Armed Services; I begged for it. I chose that committee because that is the best way I can serve them. But the best way I can serve those kids in Afghanistan is not asking them to serve their country and then sticking them for the bill for this war when they get home and their kids with this bill for the rest of their lives.

The SPEAKER pro tempore (Mr. SIMPSON). Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. WU) is recognized for 5 minutes.

(Mr. WU addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HONDA) is recognized for 5 minutes.

(Mr. HONDA addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Guam (Mr. UNDERWOOD) is recognized for 5 minutes.

(Mr. UNDERWOOD addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from American Samoa (Mr. FALEOMAVAEGA) is recognized for 5 minutes.

(Mr. FALEOMAVAEGA addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Hawaii (Mrs. MINK) is recognized for 5 minutes.

(Mrs. MINK addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Hawaii (Mr. ABERCROMBIE) is recognized for 5 minutes.

(Mr. ABERCROMBIE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. LARSON) is recognized for 5 minutes.

(Mr. LARSON of Connecticut addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. SOLIS) is recognized for 5 minutes.

(Ms. SOLIS addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. SCOTT) is recognized for 5 minutes.

(Mr. SCOTT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

(Mr. SCHIFF addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Ms. MCCOLLUM) is recognized for 5 minutes.

(Ms. MCCOLLUM addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. FILNER) is recognized for 5 minutes.

(Mr. FILNER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. WATSON) is recognized for 5 minutes.

(Ms. WATSON of California addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. THOMPSON of Mississippi (at the request of Mr. GEPHARDT) for May 23 and the balance of the week on account of official business in the district.

Mr. LINDER (at the request of Mr. ARMEY) for May 23 and the balance of the week on account of the death of his mother-in-law.

Mrs. ROUKEMA (at the request of Mr. ARMEY) for May 23 after 4:00 p.m. on account of illness.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. TAYLOR of Mississippi) to revise and extend their remarks and include extraneous material:)

Mr. TAYLOR of Mississippi, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. WU, for 5 minutes, today.

Mr. HONDA, for 5 minutes, today.

Mr. UNDERWOOD, for 5 minutes, today.

Mr. FALEOMAVAEGA, for 5 minutes, today.

Mrs. MINK of Hawaii, for 5 minutes, today.

Mr. ABERCROMBIE, for 5 minutes, today.

Mr. LARSON of Connecticut, for 5 minutes, today.

Ms. SOLIS, for 5 minutes, today.

Mr. SCOTT, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Ms. MCCOLLUM, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Ms. WATSON of California, for 5 minutes, today.

#### ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 4592. An act to name the chapel located in the national cemetery in Los Angeles, California, as the "Bob Hope Veterans Chapel."

H.R. 4608. An act to name the Department of Veterans Affairs Medical and Regional Office Center in Wichita, Kansas, as the "Robert J. Dole Department of Veterans Affairs Medical and Regional Office Center."

H.R. 4782. An act to extend the authority of the Export-Import Bank until June 14, 202.

#### ADJOURNMENT

Mr. ARMEY. Mr. Speaker, pursuant to Senate Concurrent Resolution 118, 107th Congress, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Pursuant to the provisions of Senate Concurrent Resolution 118 of the 107th Congress, the House stands adjourned until 2 p.m. on Tuesday, June 4, 2002.

Thereupon, (at 3 o'clock and 3 minutes a.m.), pursuant to Senate Concurrent Resolution 118, the House adjourned until Tuesday, June 4, 2002, at 2 p.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7092. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Pesticides; Tolerance Exemptions for Polymers [OPP-2002-0021; FRL-6834-2] received May 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7093. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Pesticides; Tolerance Exemptions for Minimal Risk Active and Inert Ingredients [OPP-2002-0030; FRL-6834-8] (RIN: 2070-AC18) received May 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7094. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; Pennsylvania; Control of Emissions from Existing Hospital/Medical/Infectious Waste Incinerators [PA-131-4090a; FRL-2205-6] received May 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7095. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Utah: Final Authorization of State Hazardous Waste Management Program Revision [FRL-7205-9] received May 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7096. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting [FRL-7214-9] (RIN: 2060-AB41) received May 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7097. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants: Generic Maximum Achievable Control Technology [FRL-7215-7] (RIN: 2060-AH68) received May 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7098. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants: Rubber Tire Manufacturing [FRL-7214-7] (RIN: 2060-AG29) received May 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7099. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants: Cellulose Products Manufacturing [FRL-7214-8] (RIN: 2060-AH11) received May 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7100. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants: Generic Maximum Achievable Control Technology [FRL-7215-8] (RIN: 2060-AH68) received May 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7101. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Land Disposal Restrictions: Site-Specific Treatment Variance to Chemical Waste Management, Inc. [FRL-7217-4] received May 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7102. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Coil [FRL-7214-6] (RIN: 2060-AG97) received May 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7103. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Japan [Transmittal No. DTC 25-02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7104. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to India [Transmittal No. DTC 40-02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7105. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Mexico [Transmittal No. DTC 055-02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7106. A letter from the Assistant Secretary for Legislative Affairs, Department of State,

transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to the United Kingdom [Transmittal No. DTC 057-02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7107. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Pakistan [Transmittal No. DTC 102-02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7108. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to the Dominican Republic [Transmittal No. DTC 058-02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7109. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Japan [Transmittal No. DTC 91-02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7110. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Japan and South Korea [Transmittal No. DTC 20-02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7111. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Japan [Transmittal No. DTC 89-02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7112. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to India [Transmittal No. DTC 36-02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7113. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to India [Transmittal No. DTC 47-02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7114. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Effluent Limitation Guidelines and New Source Performance Standards for the Construction and Development Category [FRL-7217-1] (RIN: 2040-AD42) received May 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7115. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Tax Forms and Instructions (Rev. Proc. 2002-23) received May 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7116. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Relief From Internal Revenue Code Late Filer Penalties (Notice 2002-23) received May 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7117. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Weighted Average Interest Rate Update (Notice 2002-26) received May 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7118. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Treaties and Tax Legislation (Rev. Rul. 2002-16) received May 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7119. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Last-in, First-out Inventories (Rev. Rul. 2002-18) received May 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7120. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Taxation of Fringe Benefits (Rev. Rul. 2002-15) received May 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7121. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Taxpayer Identification Number Rule Where Taxpayer Claims Treaty Rate and Is Entitled to an Immediate Payment [REG-159079-01] (RIN: 1545-BA38) received May 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7122. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Taxpayer Identification Number Rule Where Taxpayer Claims Treaty Rate and Is Entitled to an Unexpected Payment [TD 8977] (RIN: 1545-BA39) received May 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7123. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2002-5) received May 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

*[May 24 (legislative day of May 23), 2002]*

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 431. Resolution providing for further consideration of the bill (H.R. 4775) making supplemental appropriations for further recovery from and response to terrorist attacks on the United States for the fiscal year ending September 30, 2002, and for other purposes (Rept. 107-486). Referred to the House Calendar.

Mr. OXLEY: Committee of Conference. Conference Report on S. 1372. An act to reauthorize the Export-Import Bank of the United States (Rept. 107-487). Ordered to be printed.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII,

By Mr. HOEKSTRA (for himself, Mr. ROEMER, Mr. BOEHNER, Mr. SHAYS, Mr. KIND, and Mr. ANDREWS) introduced a bill (H.R. 4854) to reauthorize and reform the national service laws; which was referred to the Committee on Education and the Workforce.

*May 24, 2002*

CONGRESSIONAL RECORD—HOUSE

**H3073**

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 3335: Mr. UNDERWOOD.  
H.R. 4374: Ms. CARSON of Indiana, and Mrs. THURMAN.  
H.R. 4757: Ms. DEGETTE.

H.R. 4777: Mr. BAIRD, Mr. BECERRA, Mr. RUSH, Mr. WEINER, Mrs. MCCARTHY of New York, Mr. OWENS, Mr. McDERMOTT, and Mr. MEEKS of New York.

DISCHARGE PETITIONS—  
ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 4, by Mr. CUNNINGHAM on House Resolution 271: BRAD CARSON, JAMES A. BARCIA, JIM TURNER.

## EXTENSIONS OF REMARKS

JEWELENE SPENCER: A DIAMOND  
IN THE CLASSROOM

**HON. JAMES A. BARCIA**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 22, 2002*

Mr. BARCIA. Mr. Speaker, I rise today to honor my good friend, Jewelene M. Spencer, as she prepares to retire after 40 years as an educator, the past 32 of which were spent with Oscoda Area Schools. Jewel's dedication and demand for excellence has made her an invaluable part of the school system and the entire community for many years. Her influence in the classroom will be sorely missed.

Jewel has always set high standards for herself, her colleagues and her students. Her faithful adherence to those standards has certainly been a key to her own teaching success. More importantly, however, she has provided the launching pad for many of her former students to soar to great heights. Her storied tenure has left its mark on all those who have had the privilege and opportunity to experience her teaching, whether as a student or as a fellow educator.

Over the years, Jewel has earned many awards and honors for her achievements, including recognition in "Who's Who Among America's Teachers," an "Excellence in Education" certificate from the Oscoda Area Schools Board of Education and a nomination as "Educator of the Year" for the Oscoda Area Schools. In addition, her deep sense of obligation to the future of young people has led her to serve as National Honor Society advisor and on various committees.

Jewel also eagerly embraced her responsibility as a caretaker for the teaching profession. Jewel has always sought to find better methods to pass on the lessons she has learned in her career. She also has been a strong advocate for the teaching profession by serving in several leadership roles in the National Education Association, the Michigan Education Association and at the local level. Her husband, Howard; their son, Tyrone; and, their daughter, Sabrina; also deserve our gratitude for the sacrifices they surely made so that Jewel could reach out to others.

Finally, Mr. Speaker, I wish to praise Jewel for giving so much of her time and enormous talent to ensuring our young people reach for the stars. Her former students undoubtedly will remember and point to Jewel their inspiration. I ask my colleagues to join me in expressing gratitude to Jewelene Spencer for giving our children the gift of education and for teaching them the value of hard work. I am confident she will continue to inspire and teach all those around her.

IN HONOR OF COLORADO  
PRESERVATION, INC.

**HON. MARK UDALL**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 22, 2002*

Mr. UDALL of Colorado. Mr. Speaker, I rise today to recognize the important and continuing contributions that Colorado Preservation, Inc. has made to historic and archeological preservation in Colorado.

Too often our communities can lose their history in pieces, not realizing until it is gone just what they have lost. Colorado Preservation, Inc. works to keep that from happening in our state. And it is very appropriate to recognize their many contributions in May, because that is officially Colorado Archeology and Historic Preservation Month.

Colorado has become a world-class destination for people around the country and around the world who come here to visit and often to make our state their new home. With them they bring many diverse cultural heritages. We welcome this diversity with open arms—and, at the same time, we recognize the importance of preserving the things that have shaped our history and that are uniquely Coloradoan. It becomes ever more critical that we take care to ensure the survival of our historic buildings and archaeological sites. We have to honor the cultures of people who no longer live among us, the buildings of our heritage even if they have outlived their original purpose, and landmarks of our history even if they are painful.

Colorado Preservation, Inc. has worked tirelessly to ensure these important cornerstones of our history remain available for generations to come. Here are some examples:

At Camp Apache in Granada thousands of Japanese Americans were exiled during WWII for fear of espionage. This site should be preserved as an important reminder of our nation's tragic internment history. The Shield Rock Art Site in Rio Blanco County dates back to 1200 AD. This site contains some of the oldest Native American pictographs and petroglyphs in Colorado. The Bradford Perley House in Jefferson County is one of the more impressive historic buildings in our state. The sandstone mansion was once a Civil War recruiting station. Colorado Preservation, Inc. hopes to use the site to educate young people about its unique place in Colorado history and is working to raise funds for an archeological study and master plan to preserve the site for the most optimal future use.

As Colorado Preservation, Inc. often says, "it is vital that we remember the future by preserving the past." Mr. Speaker, I ask my colleagues to join with me in thanking Colorado Preservation, Inc. for all of the good and important work they do for Colorado.

ADM. JAMES M. LOY'S  
RETIREMENT

**HON. FRANK A. LOBIONDO**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 22, 2002*

Mr. LOBIONDO. Mr. Speaker, I rise today to honor a very special patriot who has committed his entire career to the mission of defending America. Admiral James M. Loy, commandant of the United States Coast Guard, is retiring from duty at the end of May and will bring to a close his remarkable 38-year career.

Admiral Loy, a 1964 graduate of the Coast Guard Academy, spent much of his career on the water. He served aboard a number of Coast Guard cutters and commanded a patrol boat during combat in Vietnam. His experience comes from duty on the front lines, teaming the Coast Guard's traditions and missions from those who served before him, carrying on a tradition that stretches back to 1790. For his service, Admiral Loy has been awarded a number of decorations including two Department of Transportation Distinguished Service Medals, four Coast Guard Distinguished Service Medals, the Defense Superior Service Medal, two Legion of Merit awards, the Bronze Star with Combat "V," the Meritorious Service Medal, the Coast Guard Achievement Medal, the Combat Service Ribbon as well as other unit and campaign awards. This recognition denotes a fine service career in and of itself, but James Loy still had much to give the Coast Guard and America.

While a very experienced sea-going officer, Admiral Loy has also distinguished himself on land as well, earning two masters degrees and winning recognition for himself and for the service through his duty as Commander of the Eighth Coast Guard District, the Chief of Personnel and Training, Commander of the Atlantic Area and as Coast Guard Chief of Staff before becoming Commandant in 1998.

His leadership has helped transform the Coast Guard and improve the service's readiness to serve effectively well into the 21st Century. He has been a vocal and effective advocate for the Coast Guard and for America's need to keep our shores, ports and waterways safe for the maritime industry and for the millions of Americans who enjoy boating and fishing on our waters. He has also been able to look ahead at the new challenges facing America today. Because of Admiral Loy's leadership and foresight, the Coast Guard was able, during the terrible days of September 2001, to coordinate and carry out the evacuation of 1 million people from Lower Manhattan and to immediately send recovery teams to New York and Washington while putting in place a security cordon around our nation's port cities. His leadership and the efforts of the Coast Guard from September 11th up until today demonstrate a living example of the Coast Guard's motto *Semper Paratus—Always Ready*.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



Mr. Speaker, I rise today as Chairman of the House Coast Guard and Maritime Transportation Subcommittee to congratulate Admiral James M. Loy, Commandant of the U.S. Coast Guard on his magnificent career and to thank him for his long service to America. Admiral, we wish you and your wife Kay every happiness as you begin this new posting and thank you both for your dedication to service and duty.

IN RECOGNITION OF MATTHEW F. RYAN, PRINCIPAL OF THORNDYKE ROAD ELEMENTARY SCHOOL

**HON. JAMES P. McGOVERN**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 22, 2002*

Mr. McGOVERN. Mr. Speaker, I rise today to pay tribute to Matthew F. Ryan, Principal of Thorndyke Road Elementary School in Worcester, Massachusetts. Mr. Ryan has been an educator in the Worcester Public Schools for past 36 years, and he is retiring at the conclusion of the school year.

During his distinguished career with the Worcester Public Schools, Mr. Ryan has served as a teacher, guidance counselor, and principal to thousands of students across the City of Worcester. Indeed, as principal of Thorndyke Road Elementary School, Mr. Ryan worked diligently to instill pride in his school, boosted its reputation and academic achievements, welcomed parent involvement, and most importantly developed a school climate that fostered respect and encouragement for each student. His parting accomplishment is the construction of the Thorndyke Neighborhood Trail, which will be dedicated on May 31, 2002.

Mr. Ryan is also deeply involved in the Worcester community. As a member of St. George's Catholic Church, Mr. Ryan is an active participant of the Diocesan Peace and Justice Committee as well as the Faith Into Action Homeless Coalition.

Mr. Ryan graduated from Worcester State College, received a Master's Degree from Assumption College, and was a Jacob Hiatt fellow at Harvard University's Graduate School of Education. In addition to his educational and professional accomplishments, Mr. Ryan is the father of five and grandfather of four.

Mr. Speaker, I am certain that the entire House of Representatives joins me in congratulating Mr. Ryan on his long career of service to the Worcester Public Schools, and wishes him the best of luck in retirement.

RAISING THE DEBT WITHOUT A DEBATE

**HON. MICHAEL M. HONDA**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 22, 2002*

Mr. HONDA. Mr. Speaker, due to their poor economic planning, today Republicans are attempting to, increase the amount the Federal government can borrow—not through a direct, democratic vote—but by slipping it quietly into the Supplemental Appropriations bill. They're

not specifying how much they want, they're not telling us how they plan to spend it, and most importantly, they're not telling us how they plan to pay it back.

Every Member in this body knows that an increase in the debt limit has a monumental impact on our economy. However, under this Republican procedure, there is no chance to debate or offer alternatives to one of the most important decisions made by this Congress. The state of our economy affects the lives of all American families and businesses, not just today, but especially in future years as the Baby Boomers begin to retire. However, what we know today is that the federal government is in a deficit, and \$4 trillion of the surplus has disappeared in one year—the largest fiscal reversal in our nation's history.

Mr. Speaker, before approving a substantial increase in our borrowing authority, Congress has an obligation to review our long-term budget policies in light of the dramatic reversal in our nation's fiscal condition. We should not, as the Republicans are proposing today, blindly pile debt onto future generations. It is fiscally irresponsible.

VIRGINIA A. SLOAN: TEACHING THE JOY OF READING

**HON. JAMES A. BARCIA**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 22, 2002*

Mr. BARCIA. Mr. Speaker, I rise today to honor Virginia A. "Ginny" Sloan upon the occasion of her retirement after 31 years as an educator, all of them for the Oscoda Area Schools. Ginny deserves high praise for her devotion to teaching and her passion for ensuring every student left her classroom equipped with more than just the basic reading skills necessary for a productive life.

Ginny has always recognized the importance of reading as the one educational skill upon which all other learning is based. Throughout her tenure, she continuously sought to improve the methodology and the mechanisms for teaching reading. She was instrumental in establishing and developing the school district's "Right to Read Program," and its "Secondary In-Service Reading Program." Ginny also was a driving force in curriculum development for the district, most notably her work on a committee that reviewed Language Arts texts and materials for elementary grades.

Ginny's pioneering efforts and innovations were vital to implementing a suitable curriculum as the backbone of Oscoda's excellent school system. So many of the hours and effort put forth by Ginny took place long after the work day had ended. It is difficult to fully grasp the commitment of time and energy made by dedicated teachers such as Ginny Sloan, but their families understand. Ginny would be the first to acknowledge that the accommodations made by her husband, Jim, and their family, played an important role in her success.

Achieving success in the teaching profession often comes without much recognition or reward. In Ginny's case, she has earned an "Excellence in Education" certificate from the Oscoda Area Schools Board of Education and was recognized for 8th Grade achievements

on the Michigan Educational Assessment Program test. However, those awards serve as only a small measure of her value as a school teacher. The true yardstick of her success is the gift of learning she bestowed upon her students, something that can never be taken away from them.

Finally, Mr. Speaker, I wish to pay tribute to Ginny for all that she has done for students, teachers and the entire community. Top-notch educators like Ginny Sloan are all too rare. I ask my colleagues to join me in congratulating Ginny Sloan for a job well-done and in wishing her a successful and enjoyable retirement.

TRIBUTE TO JACK KOSZDIN AND GEORGIA MERCER

**HON. HOWARD L. BERMAN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 22, 2002*

Mr. BERMAN. Mr. Speaker, I rise today to join the Hillel Councils of CA State Northridge University (CSUN) and Valley and Pierce Community Colleges in paying tribute to my good friends, Jack Koszdin and Georgia Mercer, who are being honored this evening at Hillel's Gala Dinner.

Jack Koszdin and Georgia Mercer are very special people who have generously given their time, effort and dedication to Hillel and to our community as a whole. Jack is a practicing attorney with whom I had the privilege of practicing law for nearly six years. He is one of the most skilled and knowledgeable practitioners in the field of worker's compensation in the entire country and is a relentless defender of the judicial rights of our labor force. Before entering the legal field as an attorney, Jack was a great teacher with a huge heart and a wonderful sense of humor. He counts teaching at UCLA and serving as a law professor at the University of West Los Angeles among his many accomplishments.

Jack is continually striving to resolve issues in our educational and legal systems. He is a member of the Board of the San Fernando Valley Child Guidance Clinic and one of the Board of Directors of the Cerebral Palsy Association. He has been a legal advisor to the Valley Labor Political Education council and has held numerous prestigious judicial positions including Judge pro Tem of the Workers' compensation Appeals Board and Municipal Judge Pro Tem for the San Fernando Valley. He also participates in the State Insurance Commission Study of Workers' Compensation and Medical Benefits.

Georgia has more than 25 years of experience in education, communications and public affairs. Her accomplishments are legion and her energy boundless. She now serves as the Chair of CSUN's Hillel's Board of Directors as well as on the Boards of the CSUN Foundation, Vista Del Mar Child and Family Services, Valley Trauma Center, Valley Alliance of the Jewish Federation Council, and Friends of the Family. She is also an elected and distinguished member of the Community Board of Trustees. As President of this Board from 2000–2001, she led a campaign for a \$1.2 billion facilities bond measure for upgrading the modernizing all nine college campuses that ultimately won 67% voter approval. Georgia is a gifted and dedicated activist who knows how

to get things done and who never fails to take on a challenge.

During the past several decades, I have been privileged to work with Jack and Georgia on issues of concern at local, State and Federal levels and have valued their friendship and counsel. It is my distinct pleasure to ask my colleagues to join me in saluting Jack Koszdin and Georgia Mercer for their outstanding contributions to our community and thanking Hillel at CSUN, Valley and Pierce Community Colleges for its great work generally, and for making tonight's Gala Dinner a wonderful success.

**NEW YORK'S YMCA CELEBRATES  
ITS 150TH BIRTHDAY**

**HON. EDOLPHUS TOWNS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 22, 2002*

Mr. TOWNS. Mr. Speaker, I rise in honor of the YMCA of Greater New York in celebration of its rich and vital 150 year history.

Throughout its history, the "Y", as many of us know it, has spanned three distinct historical periods. The first, from 1852–1902, is marked by a commitment to help newcomers to the city and the creation of programs of social change to help groups impacted by war, population shifts and industrial changes. The New York "Association" was staunchly abolitionist and formed a commission to minister to soldiers in camps and hospitals, and on the battlefields of the Civil War. After the War, new YMCA programs were started for African Americans, railroad workers and young boys from urban centers.

From 1902–1952, the YMCA expanded its scope to all areas of public life and affairs, and women became members. Racial integration was attained nationally in the 1940s and much earlier in many New York City YMCA branches. The YMCA's expertise produced numerous vocational, skills training and job placement programs during these years.

From 1952–2002, the YMCA focused aggressively on urban programs to help girls and boys, and their families, in the city. Programs were developed to deal with poverty, youth unemployment, delinquency and drug abuse, and many programs were put on wheels, such as Jobmobiles and Youthmobiles, in order to be located in the neighborhoods most in need. In New York City, during fiscal crises and national recessions, the YMCA maintained its firm commitment to the city through large-scale childcare and expanded family programs. A growing emphasis on physical fitness led to many new program offerings, such as aquatics, cardiovascular fitness and sports leagues, including two sports invented at the YMCA in the late 19th century—basketball and volleyball.

In the past decade, the YMCA of Greater New York also has become a presence in nearly 200 public schools in every school district in the City. In partnership with the United Way and the New York City Board of Education, the Virtual Y currently enrolls 7,500 children and is expanding. Teen Action NYC, currently operates in five schools and provides academic support, life skills and career planning. Most recently following 9/11, the YMCA of Greater New York has developed programs

in response and made its 20 branches available for a variety of community needs. In 2002, the YMCA of Greater New York serves 170,000 youth and 200,000 adults.

Throughout its 150 years, the YMCA of Greater New York has been a model of public/private partnerships with a close connection to the City's business and civic leadership. Early lay leaders, such as William E. Dodge Jr., J. Pierpont Morgan and Cornelius Vanderbilt II, were among the most prominent businessmen and philanthropists of their time. Former elected officials, such as Governor Thomas Dewey and Major John Lindsay, served on the YMCA board. Mayors David Dinkins, Rudolph Giuliani and Michael Bloomberg have all been proactive supporters of YMCA community centers and programs.

The YMCA of Greater New York's fundraising efforts, including its Capital Campaign for Kids, are supported by hundreds of corporations and foundations that recognize the YMCA's major and continuing commitment to the youth and families of New York City. This support is led by the YMCA of Greater New York's 14 Corporate Champions: AT&T/AXA Financial, Bloomberg, Con Edison, Credit Suisse/First Boston, Deloitte & Touche, Deutsche Bank, JPMorganChase, Merrill Lynch, Metropolitan Life Foundation, New York Life, Pfizer, PriceWaterhouseCoopers and UBS/PaineWebber.

Mr. Speaker, 150 years after the YMCA of Greater New York first came into existence it is now bigger and better than ever before. As such, I urge my colleagues to join me in honoring this truly remarkable organization on the occasion of its 150th Anniversary.

**PAYING TRIBUTE TO 9/11 HEROES**

**HON. CAROLYN B. MALONEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 22, 2002*

Mrs. MALONEY of New York. Mr. Speaker, on March 19, 2002, I stood on the House floor to recognize and celebrate the 181st Anniversary of Greece's declaration of independence from the Ottoman Empire.

As I stated on that day, the Hellenic community, as every community in New York and worldwide, was hit heavily by that travesty of 9/11.

Fortunately, we have members of the Fire Department, Police Department, Port Authority, military and other volunteers who will continue to lead this war and to protect us on the homeland and abroad. They are lead by Captain John Casamatis, Nicholas Biancoviso (NYPD), Sgt. Emanuel Vrettos (Triborough Bridge & Tunnel Authority), Paul Pallas (NYPD), Demetrios Kaloudakis (NYPD), Constantine Kaloudakis (NYPD), US Marshall John Svinos, Nicholas Mitsinkos (NYPD), Special Agent Genie Poumpouraas (Secret Service), Steve Savvas (NYPD) and Athanasios Ganosis (NYPD).

We salute the clergy and volunteer heroes, lead by His Eminence Archbishop Demetrios, His Grace Bishop Andonios Parapoulos, His Grace Bishop Savas Zembillas, Fathers John Angel, James Antokas, John Heropoulos, Alexander Karloutsos (Port Authority Chaplain), Michael Kontogeorge, Alexander Leondis, James Moskovitis, James Moulketas, Geore

Orfanakos, Paul Panos, Angelo Pappas, Nicholas Rafael, John Romas, Elias Villas, and Decons Niktaros Morrow and Panteleimon Papadopoulos. The volunteers include: Sofia Cotzia, George C. Zouvelos, Tony Benezatos, Maria Andriotis, Keana Balahtsis, Marissa Costidis, Jerry Dimitriou, Fran Karivalis, Michael Karloutsos, Xanthi Karloutsos, Ioanna Kekropidou, Theo Nicolakis, Andrea Pappa, Nitsa Sinanis, Gkorge Schira, Nick Terizis, Harry C. Zouvelos and Dina Theodosakis to name a few.

Today, as every day, we pay tribute to the heroes of 9/11. We will not forget you! Zeto E Eleftheria (Long Live Freedom), Se Ollo to Kosmo (In the entire world).

**INTRODUCING A JOINT RESOLUTION  
HONORING THE 102ND  
FIGHTER WING OF THE MASSACHUSETTS  
AIR NATIONAL  
GUARD**

**HON. MICHAEL E. CAPUANO**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 22, 2002*

Mr. CAPUANO. Mr. Speaker, without question, September 11th, 2001 was one of the most tragic days in our nation's history. Millions of lives were adversely affected by the terrorist acts that were perpetrated in New York City, Washington, DC and Pennsylvania. However, like so many times before, Americans from across the country rose to the challenge of defending this great nation. Out of this dark period came amazing stories of heroism, patriotism and selflessness. Today, I rise to introduce a joint resolution, on behalf of the Massachusetts Congressional delegation, that pays tribute to a group of men and women who played an indispensable role in defense of the nation during and following September's terrorist attacks.

Before most of America could come to grips with what was happening on the morning of September 11th, the 102nd Fighter Wing of the Massachusetts Air National Guard, located at Otis Air National Guard Base, had assumed its position as the tip of the spear in defense of the nation's skies. Known as the Minutemen, in honor of their Revolutionary War forefathers, the 102nd became the nation's first airborne responders when it scrambled two F-15s just six minutes after being informed of the hijackings. Within the first hour, the wing launched six armed aircraft on Combat Air Patrol over New York City and Boston. Incredibly, with significantly fewer pilots and maintainers than their active duty counterparts, the 102nd generated, loaded and accepted fourteen aircraft in less than seventeen hours for around-the-clock combat operations. As a result of its ability to respond so quickly and effectively, the 102nd Fighter Wing became the country's lead air defense squadron for Operation Noble Eagle.

In the first three days of the national crisis, the 102nd flew forty-six sorties and better than 160 hours protecting every major city in the Northeast Air Defense Sector. During this period, the 102nd was the country's sole clearance and identification authority and their flawless execution expedited the flow of medevac

and recovery aircraft to the World Trade Center site. By day sixteen, the squadron had tripled its alert commitment, flying 144 sorties totaling 450 hours, and expanded its area of responsibility to include the entire mid-Atlantic coast.

From September 11th until receiving orders to stand down on February 1, 2002, the 102nd Fighter Wing flew a total of 770 sorties, compiling over 3200 hours in direct support of Operation Noble Eagle and Combat Air Patrols over New York, Washington DC, and Boston. During this nearly five-month period, the unit came close to surpassing their annual flying hour allocation and witnessed an astounding 300 percent increase in operational tempo. The operation tempo increase included such tasking as escorting Air Force 1 and Air Force 2, providing air support when the President addressed the United Nations, and patrolling the skies over New York City during baseball's World Series. Hopefully, that venue will be in Boston this fall!

Especially noteworthy was the twenty-four hours a day, seven days a week aspect of the operation. Normally, major aircraft maintenance can be accomplished during non-flying periods, and all maintenance personnel can concentrate on fixing the jets instead of flying. Naturally, this is not possible with an around-the-clock flying commitment. However, the 102nd's maintenance crews rose to the challenge and were able to provide fully mission capable aircraft that enabled the squadron to meet 100 percent of its Combat Air Patrol and alert tasking. If that were not amazing enough, in addition to fulfilling its own missions, the 102nd, as a result of the superior maintenance efforts, were able to fill in for other units when those units could not meet their tasking.

When you take into account the accomplishments of the unit during this period, you cannot help but have a deep sense of honor and appreciation for the 1000 men and women that make up the 102nd Fighter Wing. No single flying organization has ever been tasked with this level of responsibility for such a long period of time. Make no mistake; every American owes each one of these citizen air-men and women a debt of gratitude to them for their hard work, dedication and tireless commitment to ensuring the operational success of each and every mission.

Earlier this month the 102nd's achievements were properly recognized when the wing was selected as the 2002 recipient of the Winston P. Wilson Trophy, given to the country's most outstanding Air National Guard fighter unit. Additionally, the 102nd is a finalist for the 2002 Hughes award, which recognizes the top fighter unit in the entire United States Air Force. The professional qualities and dedication to duty demonstrated this year by the unit were without equal and it is this Member's opinion the 102nd Fighter Wing is deserving of this honor as well.

Mr. Speaker, in closing, let me say that even before the events of September 11th, the men and women of the 102nd Fighter Wing personified the true meaning of patriotism. The Fighter Wing has a long and distinguished history of service to the people of Massachusetts and the nation. I am extremely honored to have the 102nd Fighter Wing in my state and particularly proud to know that when the nation called for its most capable fighters to protect America's skies, the 102nd Fighter Wing responded in true Minuteman fashion. It is my

hope that Congress will acknowledge the tremendous efforts of the 102nd Fighter Wing by considering and ultimately passing this resolution.

#### GOLDEN ANNIVERSARY OF THE GUAM SOCIETY OF AMERICA, INC.

#### HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 22, 2002*

Mr. UNDERWOOD. Mr. Speaker, as the nation marks the ninetieth anniversary of the city of Tokyo's original gift of 3,000 cherry trees to the people of Washington, D.C. in 1912, I also would like to take the time to recognize the fiftieth anniversary of an organization centered around the annual celebration of the National Cherry Blossom Festival. Fifty years ago this year, the Guam Territorial Society was organized under the Congressional charter to the Conference of State Societies. The advent of this organization brought together former residents of Guam living in Washington, D.C. and the suburbs of Virginia and Maryland. A special venue for these people was made available to gather through receptions, dinners, picnics, and a host of other events.

Since its inception, the society and its members have been responsible for making sure that Guam was represented by a princess in the National Cherry Blossom festival. On two instances, the Guam princesses were crowned National Cherry Blossom Queens—Angela Alley in 1982 and Tanya Monique Manibusan in 1993. Its affiliation with the National Conference of State Societies (NCSS), enabled two of the organization's past presidents to become NCSS presidents. General Frank Torres as NCSS president during the 1974–75 term while Mr. William Barbee, Jr. Served during the 1986–87 term.

Along with its NCSS affiliation, the society has been an active participant of the National Organization of Pacific Island Association (NOPIA) and the Asian Pacific American Heritage Council (APAHC). For years, it has co-hosted the annual Pacific Night reception which brings together the various nations from the Pacific region. In addition, the society has supported and established a working relationship with Chamorro Clubs all over the United States and abroad.

The society's commitment to Guam and its people is strongly manifested by the assistance and support it extends to the office of the delegate of Guam, the offices of the governor and lieutenant governor of Guam, the Guam Legislature, and the many Chamorro men and women in the United States Armed Forces. An instrument in bringing people from Guam together, the society hosts the largest Chamorro gatherings in the East Coast during Memorial Day, Liberation Day and the Annual Chamorro Night Ball. Its members put together annual children's Christmas parties for member's children and their guests and hosts receptions for the Guam Close-Up kids who come to visit our nation's capital.

In 1986, the Guam Territorial Society was reorganized to become the Guam Society of America, Inc. (GSA). The organization's name might have undergone a slight change but its commitment to Guam, its people, its culture and its traditions has endured. It has since or-

ganized Chamorro Language conversational classes and has established a scholarship fund. The annual Guam Society of America Golf Tournament is a fundraising event that goes towards these worthwhile efforts.

GSA promotes Guam's age-old tradition of placing high regard upon its elders. The blessings we enjoy today were made possible through their labors and their guidance. It is with great pride and pleasure that I join the society's endeavor this year to honor our *mañaina*. Along with the society's principal organizer, the Honorable Carlos Taitano, special individuals from the D.C. area such as Jose and Bride Bamba, Roman Benavente, Juan and Matilde Cruz, John Flores, Brigida Lizama, Margarita S. Perez, Joseph and Margaret Sablan, Isadora Taitano, Jose Taitano, Vicente Torres, George and Rosita Eustaquio, my predecessor, Ben Blaz, and his wife, Ann, possess the wisdom and pass along the knowledge regarding our culture and traditions on to future generations.

For the past fifty years, the Guam Society of America has developed into a unique civic and social club for individuals in the National Capital region who have retained ties to the island of Guam. The society and its members have brought together friends and family through its efforts towards the preservation and promotion of Chamorro culture. As the Guam Society of America celebrates its golden anniversary, we also take the time to honor our *mañaina*—esteemed individuals who have laid the foundations and through whose leadership and guidance the society is able to celebrate this milestone today. I also commend Linda Perez, the society's president, Cindy Atoigue, its vice president, Annie Rosario, its secretary and Doris Yanger, its treasurer, who along with the society's many members made this celebration possible. On behalf of the people of Guam, I commend and congratulate the Guam Society of America, its members, and, most especially, the *manaina*. The past fifty years have been fruitful, rewarding and beneficial to the friends of Guam in the National Capital region. My wife, Lorraine, and I wish the society many more such years.

#### IN HONOR OF THE 65TH ANNIVERSARY OF WAKE ROBIN GOLF CLUB, INC.

#### HON. ELEANOR HOLMES NORTON

OF DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 22, 2002*

Mr. NORTON. Mr. Speaker, I rise today to acknowledge the 65th Anniversary of Wake Robin Golf Club, Inc. In noting this milestone, I am particularly pleased to honor the outstanding contributions that the Wake Robin Golf Club, Inc. has made to increase the involvement of African Americans in golf.

Since its beginning in 1937, the Wake Robin Golf Club, Inc. has made many important contributions to expand opportunities for African Americans, particularly for women, in the District of Columbia and our nation. In 1938, members of the Wake Robin Golf Club, Inc. drafted a petition to the Secretary of the Interior requesting the desegregation of public golf courses in Washington, D.C. Three years later, because of their great persistence and energy, the Secretary issued an order honoring this courageous and groundbreaking request.

Members of the Wake Robin Golf Club, Inc. worked alongside other minority clubs to encourage the Professional Golf Association to abandon its "Caucasian-only" rule for eligibility, until the PGA finally integrated. The club also helped to organize and support the United Golfers Association, which hosted tournaments throughout the country for stellar African American golf professionals, including Ted Rhodes, Charlie Sifford and Lee Elder. This country needs many more cutting edge organizations to follow the extraordinary example of Wake Robin Golf Club.

The Wake Robin Golf Club, Inc. endured and prospered while its members fought to end the exclusionary practices in golf. Today, there is still no fancy clubhouse, no driving range, no practice putting green, and no home golf course for members. But the club membership continues to grow with over 50 active members who play weekly in the Washington area. There are weekend matches, monthly tournaments, a five year incremental anniversary tournament and a club championship.

Mr. Speaker, I ask the House to join me in honoring Wake Robin Golf, Inc. whose dedicated and unwavering leadership has made and continues to make a significant impact on African American golf players.

#### CONCURRENT RECEIPT PART II

#### HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 22, 2002*

Ms. HOOLEY of Oregon. Mr. Speaker, most of this body is aware of the so-called concurrent receipt penalty affecting our military retirees with service-connected disabilities. While Congress has undertaken gradual steps to remedy this situation, numerous veterans in my home state of Oregon have contacted me about a situation which I feel is equally unfair.

With the conclusion of the Cold War, the Department of Defense employed numerous separation programs to comply with Congressional mandates and decrease the number of active military personnel. The DoD implemented the Special Separation Benefit (SSB), and the Variable Separation Benefit (VSI) which were both designed to award servicemen and women with immediate compensation in return for early retirement from the Armed Services.

What many of these servicemen and women did not know is that by agreeing to leave active duty and accept the SSB or VSI payment, they were effectively signing away the right to receive future service-connected disability payments from the Veterans Administration. As it currently stands, any service member who accepted the SSB payment and is diagnosed with a service-connected disability must repay their payment in full before he or she can receive disability pay. Likewise, members who receive the VSI payment cannot receive the full disability payment to which they would otherwise be entitled.

I find this practice reprehensible. Many service-related disabilities might not become apparent for several months or years after separation. Consequently, everyone who made use of these programs could not have possibly known the way in which they would be affected by the offset provisions. What's more,

many service members made the decision to accept the separation pay only because the alternative would be an eventual, forced retirement.

To remedy this problem, I am introducing bipartisan legislation with my colleagues Congressman Richard Baker from Louisiana and Congressman Jim Gibbons from Nevada which would revise current law and allow for full concurrent receipt of separation and disability pay. Additionally, I urge all of my colleagues to join us in ending this objectionable practice.

#### A TRIBUTE TO WTC WORKERS

#### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 22, 2002*

Mr. TOWNS. Mr. Speaker, I rise in honor of the heroic people who have dedicated so much to the clean up of the "Ground Zero". I am pleased that the House passed H. Res. 424 to bring recognition to their sacrifice.

No one will ever forget the horrible events of the morning of September 11, 2001. It seems like just yesterday that I could look across the river from my district in Brooklyn and see those two glimmering towers watching over the city. In the course of a few hours, those symbols of strength and comfort would turn into over three thousand innocent lives lost and a pile of over 1.6 million tons of torn and twisted metal.

From the moment the towers were felled, hundreds of thousands of volunteers and professionals rushed to the scene without regard to their personal well-being. Many of those people stayed at the site for days with barely a moment's rest. They were only interested in doing whatever they could to help in the recovery effort. There was no thought of rest or personal safety as workers looked for potential survivors in the devastated area that we have come to know as "Ground Zero". Many workers remained on site without any respiratory equipment despite fires burning and toxic fumes surrounding them. After it became clear that it would not be possible to find anyone else alive, the workers remained on site as the search evolved from a rescue and recovery effort into a clean-up effort. Throughout the long hard work, the workers remained committed to their work and showing the families of the victims the respect that they deserve. Every victim that was pulled out of the devastation was given a ceremonial burial.

Mr. Speaker, the workers who have spent the last nine months at the WTC-site helped bring our country together. They showed all Americans how important it is to come together, and America responded. People from all across this great nation volunteered and donated whatever was requested. Our country was unified against a common enemy and for a common purpose. There is no way to repair the damage that was caused to our national psyche or our City's glory on September 11. But the hard work and dedication of the "ground zero workers" has given us all hope for the future and an understanding of what is necessary to overcome our enemies. As the clean-up operations draw to a close on May 30, 2002, I urge my colleagues to join me in honoring these truly heroic people who have

given so much in the name of their fallen comrades and our national honor.

#### INTRODUCTION OF A BILL TO AMEND THE HIGHER EDUCATION ACT OF 1965 TO AUTHORIZE GRANTS FOR INSTITUTIONS OF HIGHER EDUCATION SERVING ASIAN AMERICANS AND PACIFIC ISLANDERS

#### HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 22, 2002*

Mr. UNDERWOOD. Mr. Speaker, I rise today to introduce legislation that would provide higher education institutions serving a significant population of Asian American and Pacific Islander American (AAPI) undergraduate students federal funding opportunities. This legislation would authorize the Department of Education to designate Asian American and Pacific Islander Serving Institutions with an undergraduate enrollment of at least 10 percent AAPI students to improve their capacity to provide higher education opportunities to these populations.

Asian American and Pacific Islanders are one of the fastest growing minority populations in the United States, yet many are left behind in numerous programs which help minority students bridge the gap to higher education attainment. Historically Title III and Title V of the Higher Education Act were established to aid colleges and universities to expand educational opportunities for financially needy and minority students. Currently, the Department of Education has the authority to designate minority serving higher education institutions for Historically Black Colleges and Universities, Hispanic Serving Institutions, American Indian Tribally Controlled Colleges and Universities, Native Hawaiian Serving Institutions, and Alaska Native Serving Institutions, but not for Asian Americans and Pacific Islanders.

Mr. Speaker, this legislation is long overdue and an important issue to Asian American and Pacific Islander communities across the nation. In the January 2001 Interim Report of the President's Advisory Commission on Asian Americans and Pacific Islanders, the Commission recognized the need to establish a designation of Asian American and Pacific Islander Serving Institutions as a focus for outreach, employment recruitment, research, and program development.

During a Congressional Asian Pacific American Caucus Summit on the Higher Education Status of Southeast Asians and Pacific Islanders held on May 18, 2001, the College Board and various federal officials identified a deficiency in the data collection and reporting of Asian American and Pacific Islander students. Their statements concluded that when data for subpopulations are disaggregatedly reported, the disparities in educational attainment increase dramatically and reveal that subpopulations with higher number of low-income households indeed have fewer opportunities for higher education.

My bill seeks to encourage higher education institutions to address this disparity by improving their capacity to serve these populations. I would like to take the opportunity to thank the original co-sponsors of this legislation, and

I look forward to working with my colleagues on this important issue.

**JUDY BEAL—SAN DIEGO'S LABOR LEADER OF THE YEAR!**

**HON. BOB FILNER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 22, 2002*

Mr. FILNER. Mr. Speaker, I rise to salute a remarkable woman from my hometown of San Diego, CA.

On Saturday, June 1, 2002, Judy Beal, President of the Communications Workers of America (CWA) Local 9509, will be honored as San Diego's Labor Leader of the Year by the San Diego-Imperial Counties Labor Council.

While a native of National City, CA, in my Congressional District, Judy grew up in a small town 75 miles east of San Diego, Jacumba, CA. She earned her Associate Arts Degree in Criminal Justice Administration at San Diego City College, and then attended the George Meany Center for Labor Studies at Antioch University, earning a B.A. Degree in Labor Studies.

Judy began her career working for Pacific Telephone in El Centro, CA in 1964. Within two weeks of beginning her employment, she joined the Federation of Women Telephone Workers (FWTW) and became an active steward. While in El Centro, she worked with Cesar Chavez to organize migrant workers. She transferred to San Diego and, when FWTW merged with CWA, Judy became actively involved. In CWA, Judy has held many positions including Lobbyist, Organizer, Steward, District Steward, Assistant to the Chief Steward, Chief Steward and Local 9509 President for the past 6 years.

During her Union career, Judy has negotiated approximately 25 labor contracts, plant closure agreements, work share programs and wage re-openers. She has written training material and instructed classes for basic and advanced stewards, collective bargaining, organizing, and labor law for both, the National Labor Relations Act and the Railway Labor Act. She has lobbied in Sacramento, CA and Washington, DC for numerous bills pertaining to the needs of working families.

Judy is a staunch supporter of life long learning and has promoted education by constantly looking for new areas within the technical environment to offer training to members and their families.

Mr. Speaker, thousands of San Diegans enjoy a higher quality of life because of the efforts of Judy Beal—San Diego's Labor Leader of the Year.

**REQUESTING THE HOUSE TO HONOR BLACK LESBIAN AND GAY PRIDE DAY**

**HON. ELEANOR HOLMES NORTON**

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 22, 2002*

Mr. NORTON. Mr. Speaker, I rise to pay tribute to Washington, DC's 12th Annual Black Pride Festival, May 24 through May 27, 2002,

and its organizer Black Lesbian and Gay Pride Day, Inc. (BLGPD).

BLGPD's mission is to build awareness of and pride in the diversity of the Black lesbian, gay, bisexual and transgendered community, as well as to create a funding source and support for organizations that are addressing HIV/AIDS and other health issues adversely affecting the AfricanAmerican community. In keeping with this mission, this year's Black Pride theme is: "A time to heal."

Since its inception in 1991, Black Pride has grown from a single gathering on the Banneker High School Field to the largest Black Gay and Lesbian Festival in the world. Black Pride attracts attendees from every major urban area in the United States as well as participants from Canada, England, Germany and the Netherlands. This year more than 10,000 people will participate in a four-day celebration, which includes over thirty different events including a Youth Party, a Wellness Expo and the first Black LGBT Film Festival to become part of the official schedule of events. Black Pride culminates Sunday with the DC Black Pride Expo at the Washington Convention Center.

The citizens of the District of Columbia and I feel a special affinity for any Americans who do not share all the rights and privileges enjoyed by most citizens of the United States. On Thursday, May 23rd at 2:30 PM, the Senate Governmental Affairs Committee will hold an historic hearing on the "No Taxation Without Representation Act of 2001." My Lesbian, Gay, Bi-sexual, and Transgendered constituents feel the lack of a vote in the House most acutely. They bear the burdens of our democracy, yet they neither have complete access to its power to redress the injustices that befall Lesbian, Gay, Bisexual, and Transgendered Americans, nor do they have full power to redress those special injustices, which we suffer in the District of Columbia.

Furthermore, Congress has not yet protected sexual orientation from discrimination. Despite increasing reports of violence and physical abuse against Lesbian, Gay, Bi-sexual, and Transgendered Americans, Congress has not enacted protections against hate crimes. Congress must pass the Employment Non-Discrimination Act (ENDA). Congress must pass the Hate Crime Prevention Act. Congress must pass the Permanent Partners Immigration Act. Congress must return full voting rights to the District of Columbia.

Mr. Speaker, I ask the House to join me in saluting the 12th Annual Black Pride Festival; its organizers, Black Lesbian and Gay Pride Day, Inc.; its sponsors; and the volunteers whose dedicated and creative energy make Black Pride possible.

**TRIBUTE TO MICHAEL WALSH**

**HON. SANDER M. LEVIN**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 22, 2002*

Mr. LEVIN. Mr. Speaker, I rise today to honor a friend and a distinguished member of the Michigan law enforcement community. Chief of Police, Michael Walsh, is retiring from the City of Clawson after over thirty years of service.

Chief Walsh took pride in keeping the city of Clawson safe and protected from his early

days as a patrol officer through his service as a Sergeant, Detective Lieutenant and finally as head of the department. During his tenure as Chief of Police, Walsh also served on the Board of Directors of the Oakland County Chiefs of Police, the Traffic Improvement Association and the Michigan Association of Chiefs of Police.

From the very beginning of his police service, Chief Walsh worked to not only fight crime, but to prevent it. He developed and implemented a school liaison program in order to deter youth from heading down the wrong path. He is also actively involved in the Clawson Community Anti-Drug Coalition.

Chief Walsh's dedication to crime prevention reached far beyond the city of Clawson. In 1993 and 1994, I relied on his advice, and the advice of Chiefs of Police throughout Oakland and Macomb County, to shape federal anti-crime legislation. With their input we were able to create a community-oriented policing program that would most effectively address the needs of suburban communities.

I am honored today to join with the residents of Clawson, the local elected leadership and law enforcement officials throughout Michigan in thanking Chief Walsh for his service and wishing him well in his next endeavor.

**GUAM CONTRIBUTES TO THE UNITED NATIONS INTERIM ADMINISTRATION MISSION IN KOSOVO (UNMIK)**

**HON. ROBERT A. UNDERWOOD**

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 22, 2002*

Mr. UNDERWOOD. Mr. Speaker, I would like to take this opportunity to recognize individuals from my home island of Guam who made contributions toward the United Nations (U.N.) peacekeeping effort in Kosovo. The United Nations Interim Administration Mission in Kosovo (UNMIK) was the result of the Security Council resolution 1244 authorizing the U.N. Secretary-General to establish an interim civilian administration in the war-ravaged province of Kosovo under the auspices of the U.N. Taking effect on June 10, 1999, the resolution called upon UNMIK to perform basic civilian administrative functions and promote the establishment of substantial autonomy and self-government in Kosovo. These foundations were laid toward the facilitation of a political process that was to determine Kosovo's future status. UNMIK was also tasked to coordinate the humanitarian and disaster relief from international agencies as well as the reconstruction of key infrastructure. During this period it was a paramount goal to maintain civil law and order, promote human rights, and assure the safe and unimpeded return of all refugees and displaced persons to their homes in Kosovo. A significant role was played by the UNMIK International Civilian Police in the realization of these goals.

Unlike previous U.N. operations where the major task was to monitor various activities, the UNMIK police was required to maintain order and enforce the law. UNMIK was tasked with establishing and developing a professional, impartial and independent local police, called Kosovo Police Service (KPS). Temporary law enforcement was to be provided by

members of this international unit until such time when the local police is able to enforce law and order according to international standards. For the past several years, however, the UNMIK police has been the only law enforcement unit in Kosovo.

Out of the almost five thousand members of the Kosovo Police Service, several individuals hail from my home island of Guam. These individuals—Bob Cruz, Marc Howard, Ferdinand Ibabao, Phil Leddy, Andy Pellacani, Joanne Oliva, Mark Riley, Jay Thornton, Ed Toves, Helen Vibar, and Tracy Volta—made personal contributions toward establishing law and order in Kosovo. In addition to dealing with local crime, these individuals also assisted in providing security for people who are threatened by ethnic violence and political repercussions. Additional duties include the protection of U.N. officials assigned to Kosovo. Ferdinand Ibabao, a distinguished member of this group, won a citation for preventing a potential assassination attempt on an international judge who had earlier refused a bribe from a criminal defendant.

The work of UNMIK is commendable. Also deserving of note are the substantial contributions made by individuals from Guam to this humanitarian mission. In the performance of their duties, these men and women have brought credit to themselves and the people of Guam. I urge them to keep up the good work.

#### HONORING MARK S. HAYWARD

#### HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 22, 2002*

Mr. KENNEDY of Rhode Island. Mr. Speaker, I rise today to pay tribute to a good friend and noteworthy Rhode Islander, Mark S. Hayward.

Mark S. Hayward was appointed District Director of the Rhode Island Small Business Administration District Office in March 2000. He joined the Rhode Island District Office as Deputy Director in 1991 and served as the Acting District Director beginning in early 1999.

As those of us in Congress know, the Small Business Administration is an independent agency with the goal of providing aid, counsel, assistance to small businesses. SBA protects the interests of small business preserving free competitive enterprise and strengthening our economy through help to small business persons.

Mr. Hayward is responsible for the management and delivery of the SBA's financial and technical assistance programs for the state of Rhode Island. He has initiated and developed outreach programs to enhance the New Markets initiatives, including an expanded Minority Enterprise Development Week, Rhode Island Salute to Small Business, the largest event of its kind in the nation.

He began his career in federal service in 1982 and was appointed the U.S. Small Business Administration's Acting Chief Council for Advocacy in 1990. He has also served our Nation through positions with the Environmental Protection Agency, and Department of Interior.

I ask the House of Representatives to join me today in commending Mark Hayward for his outstanding contribution to the Rhode Island small business community.

IN HONOR OF WILLIAM A. NEWSOM

#### HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 22, 2002*

Ms. PELOSI. Mr. Speaker, I rise to pay tribute to Justice William A. Newsom as he is recognized by the San Francisco Forum as the "San Franciscan of the Year." The San Francisco Forum, dedicated to preserving the cultural, social, and philosophical values of San Francisco, has made an excellent choice by selecting Bill Newsom for this award. A man with a kind heart, diverse interests, and great abilities, Bill embodies the best of San Francisco.

A native of San Francisco, Bill earned his bachelor's degree in French Literature from the University of San Francisco. Following graduation, he served for two years on active duty as a Second Lieutenant in the U.S. Army Artillery and then for four years on reserve duty as a First Lieutenant. While in the Reserves, he completed his law degree at Stanford University and then stayed at Stanford to receive a Master of Arts degree in English Literature.

His early career as a lawyer included time spent working as an Associate Attorney with Willick, Wheat, Geary, Adams, & Charles, with James Martin MacInnis, and with Getty Oil Italiana, serving as in-house counsel for the corporation's office in Rome. His responsibilities to the Getty Family would later include service as a Trustee for several of the family's trusts and foundations. His current business, Newsom Associates, directs the personal business operation of his longtime friend, Gordon Getty.

Bill became an Attorney at Law in Tahoe City, California. He specialized in environmental litigation, and his clients included the Sierra Club, the League to Save Lake Tahoe, and the Audubon Society. After eight years in private practice, he was elected to the Superior Court of Placer County where he served as a member of the Juvenile Justice Commission and coordinated the creation of a county-wide child abuse prevention program.

His work in Placer County was highly regarded, and in 1978 he was appointed to be an Associate Justice of the California Court of Appeal at San Francisco. He was then elected twice to twelve-year terms. Bill served with distinction on the bench and earned a reputation for fairness, diligence, and his commitment to his principles.

Bill has also been an outstanding environmental champion. He is a Trustee for the Environmental Defense Fund, Sierra Legal Defense, the Sierra Club Foundation, and the Earth Justice Legal Defense Fund. He is a Director of The Wildlife Conservancy and the Mountain Lion Foundation.

Bill Newsom has been a wise judge, a trusted counselor, a great father, and a loyal friend. He is engaged in the issues of his day and always of service to his community. I am proud to join his daughter, Hillary, his son, Gavin, and the San Francisco Forum in saluting him.

A TRIBUTE TO VICTORIA  
McMURRAY FOR 41 YEARS OF  
FEDERAL SERVICE

#### HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 22, 2002*

Mr. LEWIS of California. Mr. Speaker, I would like today to pay tribute to Victoria McMurray for her more than 41 years of service with the federal judiciary. Starting as a temporary bankruptcy clerk in 1961, Ms. McMurray has worked her way up to be chief deputy of operations for the Central District of California, U.S. Bankruptcy Court.

Nicky McMurray, as she is known to her friends and co-workers, began her service as a temporary clerk in the Riverside division, and was made a permanent clerk in 1962. She worked at every position in the office and was promoted to deputy-in-charge in 1974. She worked her way to become assistant chief deputy of operations for the Central District in 1996, while still serving as deputy in charge at the Riverside division.

In her current job, Ms. McMurray manages 65 deputy clerks, who support four federal bankruptcy judges and their chambers staff. She has been highly praised by many co-workers, from judges to clerks, for her efficiency, compassion, sensitivity and consideration for everyone who works in the district.

The Central District, which is largest bankruptcy court in the United States, was once ranked fifth worst among the 91 courts across the nation. Under Ms. McMurray's leadership, it is now ranked second best. She has successfully managed two major relocations of the Riverside Division, as well as two technology conversions.

The Riverside Division under her direction has successfully completed a five-year Judicial Workload Equalization Program, pioneered hearings by video conference, and is now serving as a pilot project for digital court recording for the district.

Ms. McMurray has been an ex-officio member of the board of directors of the Inland Empire Bankruptcy Forum since 1993, and is a member of the Bankruptcy Study Group, the National Council of Bankruptcy Clerks, and the Federal Court Clerks Association.

Mr. Speaker, Nicky McMurray is retiring from the federal bankruptcy court system. I ask you and my colleagues to please join me in thanking her for those 41 years of dedicated public service, and wish her well in her future endeavors.

#### 2002 GUAM BUSINESS HALL OF FAME LAUREATES

#### HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 22, 2002*

Mr. UNDERWOOD. Mr. Speaker, for the past decade, the Guam Business Hall of Fame has paid tribute to outstanding business leaders who have made positive contributions towards the economic growth of the island of Guam. Residents of Guam as well as businesses that have operated on Guam for at least ten years may be nominated for this



honor. This year, Frank C. Guzman, the founder of International Distributors, Inc. and Continental Airlines, the parent company of Guam and Micronesia's hometown airline—Continental Micronesia—were named laureates to be inducted to the Guam Business Hall of Fame.

Frank Guzman's first business venture was in the wholesale-retail business. In 1970, at the young age of 23, he became co-owner of Chamorro Sons, Inc. Two years later—in 1972, he co-established Island Creations, Inc., a T-shirt company which emphasized Chamorro themes. That same year, he took control of Chamorro Mart, a local grocery store which he owned and operated until 1980 when he began devoting his energies towards International Distributors, Inc.

In addition to being co-owner of Ocean Pacific Motors, a BMW auto dealership, from 1985 to 1990, Frank also served as International Distributors, Inc.'s president and chief executive officer from 1980 until 2000. During this time, the company became a major importer, wholesaler and supplier of various food products for the island's hotels, restaurants and grocery stores. International Distributors, Inc. additionally supplies food outlets in the neighboring islands of Palau, the Northern Marianas, and the Federated States of Micronesia as well as Defense Commissary Agency (DECA) stores and visiting ships.

A respected member of the business community, Frank has always found time to contribute towards civic and community affairs. He has been a strong supporter of the Boy Scouts of America, the Babe Ruth Baseball League, the Ronald McDonald House in Hawaii, the Make-a-Wish Foundation, and the annual Christmas Drop Project. He has also taken upon the role of mentor to his employees. Through his guidance and support a number of them now own businesses of their own. For his efforts and achievements he has received numerous awards from institutions and organizations such as the University of Guam, the Guam Community College, the Santa Barbara Church, the Guam Department of Military Affairs, and the Guam Marianas Lions Club. Frank was also a founding member of the Micronesian Chef's Association whose annual Chef of the Year award is named in his honor.

Frank's efforts and contributions have truly earned him a place in the hearts of the people of Guam. His induction to the Guam Business Hall of Fame is yet another indication of this appreciation.

Also deserving of praise is the largest private employer on Guam, Continental Micronesia and its parent company, Continental Airlines. Continental Airlines established regular air service within Micronesia based on Guam in 1968. Upon overcoming problems with maintenance facilities, aircraft parts, certified technicians and communications infrastructure, the air carrier was able to secure route authority between Japan and the island of Saipan in 1976. Known locally as "Air Mike," the fledgling subsidiary, at the time established a route system that spanned the Pacific from Asia to Micronesia.

As the region's tourism industry flourished, "Air Mike" was able to expand its flight frequencies and flight schedules. Additional aircraft, equipment and ground facilities later contributed to an expanded route including Manila, Nagoya, Port Moresby and, later, Hon-

olulu. "Air Mike's" operations today boasts an all jet fleet and a \$184 million budget for supplies, leaseholds and payroll—all spent on Guam benefitting the local economy.

As Continental Airlines was broadening its worldwide prominence, "Air Mike" was cementing its role in the Pacific region. For the past thirty-four years Continental Micronesia has been committed towards providing safe and reliable transportation service with the highest degree of care for their customers. It has now become Guam's largest private employer and the area's premier air carrier with regular flights to a wide number of destinations in the Asia-Pacific region. For three years in a row, the company has been ranked at the top among businesses in Micronesia.

"Air Mike" is also a long-time supporter of several local non-profit groups. Through donations of more than \$1 million each year in free and discounted airline tickets as well as cargo transportation, Continental Air Micronesia has touched people's lives has made a huge difference throughout Guam and the region. A founding supporter of the "Ayuda Foundation," the air carrier has provided great assistance towards the group's efforts to provide medical care throughout the Micronesian islands.

Laureates Frank Guzman and Continental Airlines, through its subsidiary Continental Micronesia, have made significant contributions to every aspect of Guam's development for the past few decades. I would like to take this occasion to commend and congratulate them on all their accomplishments and on their well-deserved induction to the Guam Business Hall of Fame. I join the Guam Chamber of Commerce and the people of Guam, in celebrating the extraordinary contributions and accomplishments of this year's laureates.

#### GUILFORD COLLEGE CELEBRATES GOLF CHAMPIONSHIP

**HON. HOWARD COBLE**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 22, 2002*

Mr. COBLE. Mr. Speaker, I will admit to being biased, but I think it is important that we congratulate my alma mater—Guilford College in Greensboro, North Carolina—for winning its first-ever NCAA team championship. On May 16, 2002, the Quakers captured the NCAA Division III men's golf championship conducted at Firethorn Golf Club in Lincoln, Nebraska.

What made winning the championship even more special for those of us who live in the Sixth District of North Carolina, Guilford College edged out cross-town rival Greensboro College to win the title. The two schools, which are just a few miles apart, traveled half-way across the country to duel for Division III's top golf crown. Even the third-place team was from North Carolina—Meredith College in Raleigh. Guilford College shot a 300 on the fourth and final day of the tournament to rally past third-day leader Meredith. Greensboro scored a tournament-best 288 on the last day to vault from seventh place to second. Is there any doubt that North Carolina is the golf capital of the world?

Guilford finished second in the national championship last year, and Head Coach Jack Jensen did not want a repeat in 2002. "It feels so good," Jensen told the (Greensboro) News

& Record. "We came so close last year. I really had this feeling before we went out that we would win today. Last year, we had a one-shot lead with one day to go. Every player on the team looked back to one shot and felt like he lost it, and in golf, you can always find one shot."

In fact, Guilford has qualified for the Division III golf championships in 10 of its 11 years of NCAA play. This year, Jensen's Quakers were not to be denied. This was Jensen's and Guilford's first-ever NCAA title, but the coach and school are no strangers to winning national championships. Jack Jensen and Guilford College captured the NAIA national men's basketball championship in 1973 and the NAIA men's golf title in 1989. Guilford joined the NCAA Division III athletic program in 1991.

In addition, Guilford College almost collected the individual player title in Nebraska. Sophomore Dave Patterson finished with a four-day total of 293, two shots off the lead. Patterson had a lot of assistance, however, in leading Guilford to its NCAA team crown. Joining him at Firethorn were Andrew Eversole, Savio Nazareth, Andrew Biggadike, and John Riddle. (Another reason we are slightly prejudiced in favor of the Quakers is that John Riddle is the nephew of Nancy Mazza who operates our district office in High Point, North Carolina.)

Congratulations are in order for every member of the Quaker golf team including Harrison Pinnix, Head Coach Jack Jensen, outgoing athletic director Mike Ketchum, incoming athletic director Marion Kirby and everyone associated with Guilford College. I am proud to be an alumnus of the school and proud that it is located in our congressional district.

#### CUSTOMS BORDER SECURITY ACT OF 2001

SPEECH OF

**HON. EARL BLUMENAUER**

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 22, 2002*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3129) to authorize appropriations for fiscal years 2002 and 2003 for the United States Customs Service for antiterrorism, drug interdiction, and other operations, for the Office of the United States Trade Representative, for the United States International Trade Commission, and for other purposes:

Mr. BLUMENAUER. Mr. Chairman, I rise to oppose two specific sections of the Customs Border Security Act. Section 141 would provide greatly expanded immunity to Customs officer conducting searches. This is another one of the post "Patriot Act" erosions of constitutional protections and judicial oversight that we should all find particularly troubling. Customs officers, like other federal law enforcement officers, are already entitled to qualified immunity. Judges and juries respect the needs of agents to conduct searches in exigent circumstances.

Especially since Congress has recently expanded law enforcement powers, it should not simultaneously contribute to by-passing the courts' ability to guard against abuses of those powers. Just two years ago, the GAO found

disturbing evidence of Customs' use of racial profiling in searching African American citizens nine times more often than their white counterparts, even though they did not discover contraband with any greater frequency. This is not a record upon which we ought to base less redress for the victims of illicit searches.

Section 144 would allow warrantless inspection of outgoing international mail, again circumventing judicial oversight. Even the U.S. Postal Service said of this intrusion: "There is no evidence that eroding these long-established privacy protections will bring any significant law enforcement improvements over what is achieved using existing, statutorily approved law enforcement techniques." [Letter to Chairman Oxley from the USPS, dated 10/11/01]. Postal officials can always hold mail while they wait for a court to issue a warrant.

These two provisions play right into the hands of the terrorists, for whom the "rule of law" was intended as a primary victim of the September 11th attacks. We should not allow that to happen. I hope that my colleagues will join me in opposing these two misguided provisions of H.R. 3129. They will not make our borders any safer.

HONORING COLONEL JAMES W.  
DELONY

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 2002

Mr. JONES of North Carolina. Mr. Speaker, I rise today to take this opportunity to honor my friend, Colonel James DeLony, Commander of the Wilmington District, United States Army Corps of Engineers.

After almost 30 years of honorable, distinguished and loyal service to his country, Colonel DeLony has decided to move forward and accept new challenges as the Director of Public Utilities for Collier County, Florida. Collier County is not only getting an accomplished engineer but more importantly a true American patriot.

During his three-year tour in North Carolina, Colonel DeLony was more than just my District Commander, he became a dear friend and confidant of mine. It was not uncommon for us to talk by phone several times a week on things other than civil works projects and water infrastructure needs.

When I review Colonel DeLony's laundry list of achievements from the last three years, my heart swells with pride. Working together as a team, Colonel DeLony, the Wilmington District, the citizens of North Carolina and members of Congress were successful in providing for numerous beach nourishment projects, port operations and maintenance, environmental restoration projects, navigation projects, and flood control projects.

The Army Corps of Engineers is one of the few government agencies that provides tangible benefits for the American public. Without the Corps, America's water infrastructure would be non-existent and civil works projects would grind to a halt.

It seems every year, Congress needlessly debates the role of the Army Corps of Engineers. There are many in Congress who want to rein-in the Corps. I believe these people would change their minds if they had a District

Commander like Colonel DeLony. Because of people like Colonel DeLony, I for one think it would be wise to un-leash to Corps and provide them the necessary resources to continue their civil works improvements throughout the nation.

Mr. Speaker, Colonel DeLony has dedicated his life to the defense and security of this nation. It is with a great deal of pride and respect that I bring his career to the attention of this House of Representatives. Colonel DeLony has earned the thanks of a grateful nation for all of his hard work and on behalf of Eastern North Carolina. I thank you for a job well done and wish the very best for you and your family.

BUSH, PUTIN, PROVE REAGAN  
RIGHT

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 2002

Mr. SCHAFFER. Mr. Speaker, I rise today to point out that less than a week after Ronald Reagan was presented the Congressional Gold Medal, President George W. Bush is in Russia cementing an arrangement Reagan's critics said could never be accomplished. Bush and Russian President Vladimir Putin will sign a landmark arms-control treaty slashing long-range nuclear warheads, while at the same time shredding the flawed 1972 Anti-Ballistic Missile (ABM) Treaty. The pact allows the U.S. to finally build and deploy a comprehensive missile defense system, headquartered in Colorado Springs.

"One of the most important contributions we can make is, of course, to lower the level of all arms, and particularly nuclear arms," Reagan said in his now famous March 23, 1983, missile defense speech. "I am directing a comprehensive and intensive effort to define a long-term research and development program to begin to achieve our ultimate goal of eliminating the threat posed by strategic nuclear missiles."

Reagan's vision was of a future in which U.S. technology would make long-range missiles obsolete—technology that would "pave the way for arms control measures to eliminate the weapons themselves."

Reagan's critics deprecatingly labeled his plan "Star Wars," predicting the earth would be "turned into a gigantic orbiting bomb."

In its account of the speech, Time magazine (April 4, 1983) opined, "As with many of the President's uncomplicated-sounding proposals, the idea of spaceage missile defenses masks a swarm of complexities. It raises the specter of an arms race in space, which ultimately could be more expensive and dangerous than the one taking place on Earth."

To the contrary, Reagan's doctrine of "peace through strength" hastened the demise of the "Evil Empire." The end of the Cold War was finally in sight.

"When President Reagan started this program, Soviet intelligence had already obtained information on the 'Star Wars' program, and they were scared," former Soviet KGB operative Oleg Kalugin would later admit. "They were convinced they would never be able to match the U.S. program for purely financial reasons."

In time, Reagan's passion for peace outpaced the Soviet economy, leading to the collapse of the Berlin Wall, the break up the Soviet empire, and the death of communist totalitarianism.

In January, Bush picked up where Reagan left off, boldly announcing his intention to withdraw the U.S. from the ABM Treaty. Predictably, partisans on the Left prophesied doom. Again, they were wrong.

Rather than escalating an arms race, the specter of a robust missile shield has produced the opposite result. To the astonishment of those who said it could not be done, Bush and Putin will, on May 24, sign an arms-control treaty reducing long-range nuclear warheads from roughly 6,000 on each side to between 1,700 and 2,200.

Exactly three weeks later, the first day the U.S. will be freed from the ABM Treaty, the U.S. Missile Defense Agency will begin construction of underground silos for the first missile interceptors, located at Fort Greely near Fairbanks, Alaska. Once banned by the ABM Treaty, the Fort Greely program will consist of five missile-interceptor silos and related communications systems. Headquartered in Colorado Springs, the missile defense system will involve a sizeable defense investment in Colorado. Currently, the military tracks missile launches around the world from its primary ground station at Buckley Air Force Base near Aurora.

Sadly, Democrats in the Senate are fighting to gut the missile defense program, insisting they know better than the experts how to defend the country from the enemies of the United States. They prefer instead a policy of talking America's enemies out of attacking us.

According to Bush, the land-based intercept program should be only the beginning. America must continue to ignore the whining of liberals still baffled by the success of Reagan's courage. We must fully fund a robust ballistic missile defense program, encompassing a variety of technologies, including spacebased missile-intercepting technology.

Though it has been available for years, the United States has delayed this technology because of treaty restrictions.

Now, thanks to Bush, Americans will soon be free to build and deploy a comprehensive missile defense shield while at the same time achieving an historic anti-proliferation agreement.

In our nation's 226-year history, Congressional Gold Medals have been awarded only 135 times. Beginning with George Washington, each honoree made an important contribution to our nation in the face of skepticism and against the predictions of those who harp "it can't be done."

Ronald Reagan is in good company: No Congressional Gold Medal has ever been awarded to an advocate of a weaker America.

CONGRATULATING LIEUTENANT  
COLONEL CATHY VITTORIA AS  
COMMANDER OF THE 773RD  
MAINTENANCE BATTALION

HON. RICHARD H. BAKER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 2002

Mr. BAKER. Mr. Speaker, I rise to congratulate Lieutenant Colonel Cathy Vittoria who has

recently taken command of the 773rd Maintenance Battalion, Louisiana Army National Guard. LTC Vittoria is to be commended for her unselfish and outstanding service to our country and is deserving of our sincere gratitude.

LTC Vittoria began her career defending our country by enlisting in the Connecticut National Guard. After achieving the rank of Staff Sergeant, she attended Officers Candidate School. In January 1985, she received her commission and served as a Platoon Leader in the Virginia National Guard until June, 1986. Upon her transfer to the 123rd Maintenance Company at Fort Irwin, California, she served as the Material Service Officer, Maintenance Control Officer, and Company Commander. In September, 1993, LTC Vittoria was transferred to the 529th Forward Support Battalion in Virginia.

In February, 1998, LTC Vittoria was transferred to Detachment 1, Headquarters STARC where she served as the Administrative Chief until October 1999 when she became the Deputy Commander for the 62nd Weapons of Mass Destruction Team. From August 2000 until January 2002, LTC Vittoria served as the Operations Officer for the 199th Leadership Regiment, LTC Vittoria is a full-time member of the Louisiana National Guard and works as the Operations Officer at the Gillis W. Long Center in Carville, Louisiana.

I am proud that LTC Vittoria is a constituent in Louisiana's Sixth Congressional District and I am proud to have this opportunity to recognize her achievements.

Mr. Speaker, I know you and all my colleagues in the House of Representatives join me in congratulating LTC. Cathy Vittoria upon her promotion as Battalion Commander of the 773rd maintenance Battalion, Louisiana Army National Guard.

### 3M SPECIALTY MATERIALS DIVISION

#### HON. JIM DeMINT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 23, 2002*

Mr. DeMINT. Mr. Speaker, Whereas, 3M was founded 100 years ago in Two Harbors, Minnesota and serves as the world's leading innovative company; and

Whereas, 3M makes and sells thousands of products that improve people's lives; and

Whereas, 3M is a company consisting of 75,000 employees world-wide and 250 at the 3M Specialty Materials Division in Greenville, South Carolina; and

Whereas, the 3M Specialty Materials Division began operations in Greenville in 1973; and

Whereas, 3M makes valuable contributions to our community through jobs, environmental stewardship, charitable contributions and volunteerism;

Therefore, be it declared that, the 28th day of May 2002, shall be 3M DAY.

### CELEBRATING BOB BEIN'S 40 YEARS OF SERVICE

#### HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 23, 2002*

Mr. COX. Mr. Speaker, I rise today to commemorate Robert W. Bein's 40 years of service and leadership with RBF Consulting, located in Irvine, California. Now the Chief Executive Officer, Bob Bein has dedicated his life to serving his firm and his profession.

RBF Consulting is an engineering, planning, and surveying firm with over 600 employees and offices in California, Arizona, and Nevada. Bob Bein joined RBF in 1962 as a Chief Engineer, and went on to become President of RBF in 1964, and then Chief Executive Officer in 1991. Under Bob Bein's leadership, RBF has provided engineering, planning, and surveying services for land development, urban design, public works, transportation, and water projects throughout the western United States.

In addition to his role as a corporate executive, Bob Bein is a highly respected and nationally known leader in the engineering profession—involving himself extensively in professional, civic, and community organizations at the local and national levels. He is a graduate and distinguished alumnus of the University of Illinois, as well as a United States Navy veteran, and an honorary member of Chi Epsilon. Like his career with RBF, his service to the American Society of Civil Engineers (ASCE) has been extraordinary. With stints as ASCE's national president, district director, and chair of various committees, his value to his colleagues and dedication to his profession can be measured quite simply by his numerous awards.

Bob Bein is truly an asset to his company and a cornerstone of the civil engineering profession. It's been a pleasure working with him in Congress as an advocate for so many of the county's important public works projects, from the Santa Ana River flood control project, to the Ronald Reagan Federal Courthouse and our county's many miles of interstate highways.

His decades of service in Orange County and around the United States are a testament to his character and abilities as a leader and an engineer. I congratulate Bob on his milestone, and I am honored to represent him in the United States Congress.

### H. CON. RES. 410

#### HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 23, 2002*

Mr. HALL of Ohio. Mr. Speaker, I rise today to join Congressmen Ed Royce, Amo Houghton, Frank Wolf, and Don Payne in introducing a resolution supporting peace and democracy in the Democratic Republic of the Congo, and an end to the plunder of its natural resources. H. Con. Res. 410 calls on President Bush to press for a United Nations embargo of Congolese diamonds, which are helping to fund a war that has engulfed the heart of Africa since it began in 1998, and plunged its people into a darkness where disease and misery flourish.

As the *Washington Post* reported a few months ago:

Since a rebellion erupted in 1998, Congo, which is roughly the size of Western Europe, has been effectively partitioned into several autonomous regions, each under the control of a foreign army that systematically loots its area of control. As a result, Congo's plentiful resources enrich the leaders of surrounding countries while providing no benefit to the vast majority of Congolese. . . .

Diamonds are not the cause of what has come to be known as Africa's First World War, but they play a crucial role in sustaining it. The most concentrated form of wealth ever known to mankind, diamonds are one of Africa's most liquid resources, the world's easiest commodity to smuggle, and readily available to anyone with power. From individual soldiers; to military commanders who have reoriented their troops toward full-time pillaging; to regimes that depend on standing armies and the chaos of war to stay in power; to Al Qaeda, Hezbollah, and other radical groups that have used this resource to inflict terror beyond Africa's shores—all have exploited the Congo's diamonds. They have turned a symbol that Americans treasure into a means for torturing countless thousands of people in Africa. They have put an industry that is important to American and African communities alike under a cloud, and they must be stopped.

#### EFFECT OF RESOLUTION

Under the terms of the Kimberley Process, the international system that aims to block conflict diamonds from the legitimate trade, conflict diamonds are defined as those embargoed by the United Nations. This means that, until the UN imposes sanctions on diamonds originating in a war zone, trade in the diamonds that fuel conflict there is not checked. The fact that diamonds currently mined in the Congo are not, technically, conflict diamonds creates a huge credibility gap for US and international efforts alike. The international system of controls aims to close that gap, but it would be foolish for the UN Security Council to postpone sanctions in reliance on a global system that is just now being devised.

Instead, the United Nations should impose an embargo similar to those on Sierra Leone and Angola's diamonds immediately. That would contribute needed pressure to regularize the trade in Congolese diamonds, combatting the criminal activities that usually accompany smuggling and compelling other countries to stop abetting this illegal trade. Some 85 percent of Congolese diamonds, worth \$854 million a year, are smuggled away; if its government collected taxes on them, some \$40 million could be added to this beleaguered country's coffers and used to respond to its people's desperate needs.

Another benefit of an embargo on Congolese diamonds would be to close the enormous loophole that the DRC has become for sanctions-busters. Currently, diamonds mined by Sierra Leonean and Angolan rebels, or trafficked by Liberia, can easily be passed off as Congolese diamonds. To leave so vast a country, which produces significant quantities of diamonds, outside scrutiny dooms international efforts to address the problem of conflict diamonds elsewhere.

Beyond these practical benefits, there is a moral reason to act. Curbing the smuggling of Congolese diamonds and other resources is essential to securing a lasting peace. A cease-

fire has held since April 2001; a small contingent of UN troops is on the ground; there are persistent efforts to settle combatants' differences through peace talks. But this is not enough. The fighting has created huge, no-go areas where disease, starvation and malnutrition prey, and combatants I desire for plunder means the stalemate and periodic violence is likely to continue. Putting diamonds beyond their reach would contribute to work trying to end the Congo's occupation and return its people's lives to normalcy and the possibility of improvement.

#### OTHER WAR RESOURCES

The war in the DRC is complex: seven nations and several rebel groups are fighting for political reasons and over at least nine natural resources (coltan, gold, diamonds, copper, cobalt, timber, water, tin, and cassiterite). That makes it likely that no one approach will be sufficient. Unlike the trade in other war resources, though, conflict diamonds are the focus of on-going international efforts. While far from complete, these may well be a model for work on other resources.

I sometimes have disagreed with the diamond industry's leaders, but I know them to be honorable people. Ending the exploitation of this industry's product by those whose crimes mock all it represents is as important for Africa and it is for the diamond industry, but it will be the industry's continued vigilance that determines whether this effort succeeds or collapses. I must reserve my own evaluation of the industry's promises until they are tested by practice; however, I hope that history will judge kindly its response to this scourge. I hope it will prove to be a model worthy for other industries to use and expand upon. And I want to take this opportunity to congratulate the diamond industry for its commitment to finishing this work.

In addition to the industry's constructive work on conflict diamonds, here is another reason we can be hopeful embodied in organizations like Global Witness, which first exposed the trade in conflict diamonds in 1998. Its recent report on a \$300 million conflict timber deal that is currently allowing Zimbabwe's military and political elites to log an area nearly the size of Montana is compelling. It finds that Zimbabwe entered into this deal explicitly to sustain its involvement in the DRC's war, which assures it can continue its exploitation of Congolese diamonds. In addition to tightening its ruler's grip on power, the report found,

... any natural resource exploitation by waning factions, especially foreign-backed ones, will seriously delay if not completely derail the potential for lasting peace and stability in DRC.—From Global Witness's February 2002 report, "Branching Out: Zimbabwe's Resource Colonialism in the DRC."

Ignoring timber's role in sustaining the wars over diamonds undercuts global efforts to end them. In February President Bush committed our country to tackling the problem of illegal logging around the world; and a few weeks ago, the State Department convened a roundtable discussion to focus on this problem.

Logging and mining are activities that go hand-in-hand. The roads built for one are used to open access to the other; the security and labor needs of both commercial activities are well-suited to soldiers' capabilities. Zimbabwe's operations in the DRC confirm

this approach to plunder is a way to maximize profits. Likewise, Liberia has diversified its war commerce in a way that exploits both conflict timber and conflict diamonds, using exemption of its timber from comprehensive UN sanctions to sabotage them.

A provision in this resolution urges the United Nations to put its consideration of sanctions against conflict timber on a fast track. I hope the progress made on each of these resources will lead to the comprehensive approach to resource exploitation that is essential to restoring a lasting peace in the Congo.

#### HUMANITARIAN DIMENSION

Sanctions—whether on diamonds or other resources—are an imperfect tool, but they have proven helpful in Sierra Leone and Angola and they are well worth trying in the DRC, if for no other reason than the magnitude of the Congolese people's suffering. Because large swaths of the Congo have been too dangerous for journalists, aid workers, and others to visit, there has been too little reporting on this battle for the valuable resources of one of the world's poorest countries. But the exposes that have been done are superb.

One of the best examples is ABC's Nightline, which did an extraordinary, week-long series on the Congo's misery early this year. One segment focused on the battle between two allies that demolished the Congo's diamond-mining capital:

Kisangani was, until not very long ago, a city of 600,000. . . . It was a center of trade. . . . [Now.] this is a city surviving on life support, suffocated by a war. . . . What was it then that set the armies of Rwanda and Uganda against one another, grinding the people of Kisangani between them? Diamonds. —From ABC Nightline's Heart of Darkness, Jan. 23, 2002.

Dr. Bob Amot of NBC's Dateline has also done heroic reporting from the Congo, bringing home to those of us who must watch from afar the tragedy of its forgotten people. The *Washington Post* also has devoted attention to the Congo, including front-page coverage of a study done by the respected International Rescue Committee. It found that 3 million people have died there, but few due to the fighting. As Karl Vick reported:

The vast majority of deaths have resulted from starvation, disease and deprivation on a scale emerging only as aid workers reach areas that have been cut off by fighting and lack of roads. . . . Villagers in the [Kasai] region—long renowned for its diamonds mines, but now ravaged by hunger—refer to two kinds of gems: white ones and red ones. The red ones are peanuts.

What makes the Congo surveys exceptional is . . . how long the conditions they document have been allowed to persist [Vick reported, quoting a Western epidemiologist, who noted that] mortality rates this high are common in humanitarian emergencies . . . but they only last a couple of months . . . because there is some sort of intervention. [But in this vast, war-torn country with few roads,] the hugely elevated mortality rates [have been] steadily racking up deaths by the hundreds of thousands. —From the *Washington Post*, April 2001.

The sad truth is the Congolese now rank among the most miserable—and most endangered people—in the world. In all, at least 2.5 million people have died, another 2 million have been driven from their homes; and one

in three is in critical need of food. Among children, the problems are staggering: 75 percent of children born since the war began dying before their second birthday; 66 percent of school-aged children are not being educated; and large numbers of children are forced to serve as soldiers or prostitutes.

Diseases also stalk the populace, whose chaotic lives make precautions against HIV/AIDS and other deadly illnesses virtually impossible. As Mr. Vick described,

... horror stories continue to emerge from a country no longer defined only by war, but also by pestilence. Untreated malaria remains the main killer, accounting for half of reported deaths. But health workers have also documented outbreaks of polio, whooping cough and even bubonic plague, near the center of Congo's rich diamond-mining area, one child out of 25 suffers from cretinism, an iodine deficiency that leaves the child half the normal size and severely retarded. —From the *Washington Post*, August 2001.

Other independent observers have reached similar conclusions:

The belligerents have no interest to see an end to the current situation in eastern Congo. There is a level of violence they can tolerate because the violence is targeting civilians. . . . The end result is that the Congolese will continue to die as [leaders] line their pockets with gold and diamonds. The Congolese are not only facing material losses, they are being crushed in the exploitation of natural resources.—From an interview with a Human Rights Watch expert, November 2001

A Oxfam's primary concern is the humanitarian impact of the war, which has caused the largest number of conflict-related deaths anywhere in Africa in the last four years. While different actors have justified their involvement in the war on the basis of security, it is clear that one of the driving forces behind the conflict is a desire by the warring parties to have access to, and control over, the DRC's vast natural resources. This wealth is not being used to reduce poverty, either in the DRC or in other countries involved in the war. In fact, wealth from natural resources is sustaining the war and bad governance. Such military activity has been described as military commercialism. Natural resource exploitation has become a key factor in determining military deployment, perpetuating the cycle of violence. —From Oxfam's report, "Poverty in the Midst of Wealth," January 2002

The choices facing children in the eastern Congo today are to join the military, become a street child, or die. The war-affected children of the eastern Congo have no opportunity for education and eat one meal per day, if they are lucky. Many are homeless, forced to flee because of acute poverty. Some have witnessed horrible atrocities committed against their families or their neighbors. Unaccompanied and traumatized, they roam into the big towns or cities.

The brutal war in the Eastern Congo, which has contributed to millions of deaths, driven thousands of people from their homes and helped impoverish a resource-rich country, will not end until the fighting factions learn that they have more to win from peace than they do from war. The most vulnerable in this situation are the children, and they are exploited both as child soldiers and prostitutes.—From the report of Refugees International, "Eastern Congo—A Slow Motion Holocaust," and a discussion of it.

#### THE UNITED STATES SHOULD CONTINUE TO LEAD

Mr. Speaker, this Congress has been at the forefront of efforts to end the trade in conflict

diamonds. Two years ago—before American human rights activists began their campaign against conflict diamonds, and even before the diamond industry moved to protect its self-interest—Mr. Royce and Mr. Payne began taking a hard look at this problem.

Then, six months ago, this House passed compromise legislation designed to begin severing the link between diamonds and war. During negotiation of that bill, H.R. 2722, the President's trade and diplomatic representatives assured us that, if Congress would use the Kimberley Process's definition of conflict diamonds, which are those sanctioned by the United Nations, the Administration would press the UN Security Council to extend its embargo to diamonds mined in other conflict zones, like the Congo.

Today, I urge our colleagues to call that commitment due. Please join me in pressing our government to continue to lead this work—by insisting that the United Nations act against a blood trade that is helping to fuel the world's most deadly war. Please support H. Con. Res. 410.

MICHAEL HENRY DEVLIN MAKES  
HIS MARK ON THE WORLD

### HON. BOB ETHERIDGE

OF NORTH CAROLINA  
IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 23, 2002*

Mr. ETHERIDGE. Mr. Speaker, I rise today to congratulate Mr. Patrick J. Devlin, Sr. of my staff and his wife Helen on the birth of their second child, Master Michael Henry Devlin. Michael was born early in the morning on Monday, May 20, 2002. He weighed 7 pounds and 6 ounces. Faye joins me in wishing Pat, Helen and their first son Patrick great happiness upon this new addition to their family. I know that the gentleman from Kentucky Mr. LEWIS joins me in celebrating Michael's birth as Helen serves on his staff.

As the father of three, I know the joy and pride that Pat and Helen feel at this special time. And I know that Patrick is excited to have a brother with whom he can play. Children remind us of the incredible miracle of life and they keep us young-at-heart. Everyday, they show us a new way to view the world. Indeed, they are one of the most important reasons why we serve in this body, Mr. Speaker.

I welcome Michael into the world, and wish Pat, Helen, and Patrick all the best as they bring Michael into their family.

SOVIET-STYLE ACTIONS IMPERIL  
FREE TRADE AND RUSSIA

### HON. MIKE ROGERS

OF MICHIGAN  
IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 23, 2002*

Mr. ROGERS of Michigan. Mr. Speaker, since the fall of communism and the Soviet Union, the Russian government has made significant strides in promoting free enterprise and free trade. Sometimes, however, old habits die hard.

Bureaucrats at the Russian Ministry of Agriculture seem to be living in the past. In a move reminiscent of the Soviet-era, they have

ordered the nationalization of a private company with American trademarks, Stolichnaya Vodka.

These actions run counter to the efforts of Russian President Putin who has repeatedly demanded more property rights and freedom for the Russian people. Unfortunately, bureaucrats in the government have not gotten the message.

The actions against the rightful owner, SPI International, are not isolated incidents. As SPI's counsel, Richard Edlin stated in testimony before the House Committee on Ways and Means there is a "troubling pattern of regression by the Russian government to the tactics and policies of the Soviet era."

These abuses must stop if Russia is going to be considered a reliable trading partner of the United States. It is incumbent upon the Russian government and its trading partners to demand a correction of these abuses. These problems should not be swept under the rug. These actions threaten trade, reform and prosperity for the Russian people.

Mr. Speaker, I ask that the following editorial from the May 16, 2002 *Investor's Business Daily* be included in the CONGRESSIONAL RECORD.

[From the *Investor's Business Daily*, May 16, 2002]

#### MOSCOW'S STICKY FINGERS RISK ECONOMIC FUTURE OF RUSSIA (By Doug Bandow)

After years of economic chaos and declines, Russia is advancing. Despite serious challenges to civil liberties, press freedom and the democratic process, the Russian people are finally enjoying a growing economy.

And Moscow's success, including a surprising budget surplus, re-ounds to the benefit of America. A more prosperous Russia is less likely to slide back into its communist past. A more prosperous Russia will offer a better market for U.S. investment and trade.

Yet continued progress requires that Russia move more inefficient state enterprises into private hands. Moscow must also improve its international commercial reputation.

However, Russia unfortunately is moving in the opposite direction, at attempting to reverse previous privatizations.

For instance, vodka is big business, the nation's second largest. (The Russians do love to drink.) One of vodka's most celebrated brand name is Stolichnaya.

SPI International acquired the Stolichnaya name in 1992, and now sells 1.3 million cases in the U.S. alone. But Moscow is trying to strip away SPI's trademark. To enforce its claim, the Russian Ministry of Agriculture has impounded 180,000 cases of SPI's vodka, currently sitting on the dock in the port of Kaliningrad.

#### USSR CRUMBLES

SPI's state-owned predecessor first registered its vodka trademark in the U.S. in 1967. PepsiCo bought the right to import Stolichnaya into the U.S. and spent more than \$100 million over the years to encourage demand (PepsiCo has since left the alcohol business.)

When the USSR disintegrated at the end of 1991, the successor states, led by Russia, began selling off many state enterprises, SPI became a private company. In October 1992 the Russian government confirmed its right to export vodka under several trademarks.

Two years ago Allied Domecq acquired U.S. distribution rights. In reliance on SPI's property rights, Allied has undertaken a new advertising campaign and launched a

new product to compete with Smirnoff. SPI has been shipping Stolichnaya for a decade without complaint from the Russian government. SPI has invested about \$20 million to promote the brand and another \$50 million to settle the debts of its state-run predecessor.

Yet the government recently decided that it wants to renationalize Stolichnaya. It went to court to claim ownership earlier this year, and a Moscow court sided with the government.

#### MOSCOW SHORT-SIGHTED

Despite the vulnerability of Russian courts to state manipulation, SPI won two subsequent decisions. These judges barred the agriculture ministry from trying to exercise the trademark and from seizing SPI's vodka.

Yet the government has ignored the courts. It has established a federal enterprise to monopolize vodka sales. Officials have even threatened SPI's employees with criminal prosecution.

Moscow's campaign is curiously short-sighted. Even if the government succeeds in stripping SPI's rights in Russia, it will have no right to export to the U.S. Allied is the registered trademark holder, and SPI is Allied's exclusive supplier.

Unfortunately, Stolichnaya is not the only target of Moscow's commercial aggression. Greenberg Traurig attorney Richard Edlin complained of "a troubling pattern of regression by the Russian government to the tactics and policies of the Soviet era" at a House Ways and Means Committee hearing.

For instance, the U.S. firm Films by Jove purchased Russian copy-rights. It's spend \$4 million in making animated films. Now the Russian government has set up its own company by the same name as the firm that licenses films to Films by Jove and claims it's the true owner. A U.S. District Court upheld the U.S. company's copyright, opining that the Russian court's contrary decision, perhaps made under government pressure, was "incoherent," "irrelevant" and "shocking."

No wonder Russian Duma member Boris Nemtsov, head of the Union of Right forces, called on President Vladimir Putin to reverse the "dangerous" threat to property rights, one of the "pillars of true progress for Russia." Nemtsov worries that other reforms—Putin has flattened the income tax and legalized the sale of nonagricultural land—"will be for naught if the fundamental weaknesses of the Russian state that undermine property and minority shareholder rights are not addressed."

#### RULE OF LAW

Individual companies, which have invested in reliance upon property rights granted by Moscow obviously have much to fear from the surreptitious rollback of privatization.

If Russia is to continue to show economic growth, it must establish a stable investment climate to encourage demands and foreign investment. Commercial certainty is particularly important if the nation is to enter the World Trade Organization.

Putin deserves credit for having halted Russian's slide toward chaos. But real property requires establishment of the rule of law and respect for property rights.

#### PERSONAL EXPLANATION

### HON. BOB RILEY

OF ALABAMA  
IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 23, 2002*

Mr. RILEY. Mr. Speaker, I was unavoidably detained for rollcall No. 186, H. Res. 427, Waiving Points of Order Against the Conference Report on H.R. 3448, Public Health

Security and Bioterrorism Preparedness and Response Act. Had I been present I would have voted "yea." I was also unavoidably detained for rollcall No. 187, H.R. 1877, on Approving the Journal. Had I been present I would have voted "yea."

I was also unavoidably detained for rollcall No. 188, H. Res. 426, Providing for the consideration of H.R. 3129, Customs Border Security Act. Had I been present I would have voted "yea."

I was also unavoidably detained for rollcall No. 189, H.R. 3448, Public Health Security and Bioterrorism Preparedness and Response Act. Had I been present I would have voted "yea."

I was also unavoidably detained for rollcall No. 190, H.R. 3717, the Federal Deposit Insurance Reform Act. Had I been present I would have voted "yea."

I was also unavoidably detained for rollcall No. 191, Paying Tribute to the Workers at Ground Zero in New York. Had I been present I would have voted "yea."

#### TRIBUTE TO DR. VIRGINIA CAROL DEMCHIK

##### HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 2002

Mrs. CAPITO. Mr. Speaker, I rise today to ask my colleagues to join me in paying tribute to and congratulating Dr. Virginia Carol Demchik of Shepherdstown, West Virginia who has been honored by the West Virginia Academy of Science as Science Teacher of the Year.

The West Virginia Academy of Science is an organization meeting and working with professional associates in Biology, Chemistry, Computer Science, Geology, Mathematics, Mining, Physics, Psychology and Education, History and Philosophy of Science and Social Science. It is a corporation chartered by the authority of the West Virginia legislature for the advancement of scientific knowledge and the promotion of scientific work in West Virginia. In receiving the coveted Science Teacher of the Year Award, Dr. Demchik has accomplished no small feat.

Dr. Demchik received her BA from Fairmont State College and her MA and Ed.D from West Virginia University. Based on summer grants she has received, Dr. Demchik has attended the College of Graduate Studies at the University of Maryland, American University, East Carolina University, University of Iowa and Shepherd College.

In honor of Dr. Demchik's hard work, dedication and commitment to her students and community, I ask my friends in Shepherdstown, and my colleagues here in the nation's capital to join me in recognizing May 23, 2002 as a day of celebration and recognition for Dr. Virginia Carol Demchik.

#### PERSONAL EXPLANATION

##### HON. WILLIAM L. JENKINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 2002

Mr. JENKINS. Mr. Speaker, I was not present to cast my votes on rollcall vote Nos.

171, 172, and 173 on May 20, 2002. Had I been present, I would have voted aye on rollcall Nos. 171, 172, and 173.

#### MEDICARE PROVISIONS OF THE SUPPLEMENTAL APPROPRIATIONS BILL

##### HON. JOHN ELIAS BALDACCI

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 2002

Mr. BALDACCI. Mr. Speaker, I rise to offer an amendment to strike Section 1404 from this bill. This provision would assist a mere handful of hospitals in Pennsylvania and New York, at the expense of every other hospital in the country. Mr. Speaker, we cannot afford to drain funding from any of our nation's hospitals, especially as we debate a bill that is meant to strengthen our ability to respond to medical emergencies that could strike anywhere across the nation.

Mr. Speaker, hospitals in my State of Maine cannot afford any further reimbursement cuts, no matter how small. My state already has the 5th-lowest Medicare reimbursement rate in the country. Our hospitals are operating on razor-thin margins. In a state as geographically large as Maine, we already struggle with access to medical services. Further cuts will only exacerbate the problem.

This provision is a clear case of robbing Peter to pay Paul. In fact, it's even worse because there are just a few select Pauls, and a nation full of Peters. Why should the vast majority of Members tell their seniors that their access to care may be jeopardized by a gift to a few select hospitals somewhere else? How can we effectively fight AIDS and infectious diseases through increased spending in this bill, when at the same time we weaken our hospitals? What sense does it make to give money to speed our first response to attacks, while at the same time taking funds from the hospitals who would be on the front line?

If the Pennsylvania and New York counties that are helped by Section 1404 actually met the criteria for geographic reclassification, they would have been approved by the Medicare Geographic Classification Review Board. Instead, these counties will be boosting their Medicare reimbursement rates by going around the rules—the rules that the rest of us have to live by.

Mr. Speaker, I know all too well that the geographic adjustment system for Medicare payment rates needs reform. My State of Maine is among the most egregiously affected by the current system, and I would be happy to work with any of my colleagues who wish to seek reform to make reimbursement rates more equitable. I strongly support improved reimbursement for all our nation's hospitals. However, this provision in this bill only serves to benefit a select number of facilities, and will detract from the ability of all others to meet their obligations to Medicare beneficiaries.

Section 1404 is unfair, it's unjust, and it's just plain bad policy. It certainly does not belong in an Emergency Supplemental, and therefore I move that we strike this provision from the bill. If we cannot remove this provision today, then I am hopeful that we can fix the problem in conference. This bill funds vital areas like defense, security and health, and

the final bill should not be marred by this destructive measure.

#### CONGRATULATIONS TO THE CITY OF WEST ALLIS ON ITS 100TH BIRTHDAY

##### HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 2002

Mr. KLECZKA. Mr. Speaker, on June 2, 2002, the city of West Allis, Wisconsin will host the centennial celebration of its incorporation as a village. Happy 100th birthday, West Allis.

Native American mounds, likely left by ancestors of the Ho-Chunk or Potawatomi tribes in the ground near what today is Wisconsin's State Fair Park, provide evidence of some of the earliest residents in the area. But it was not until the 1830s that native tribes began to see New Englanders arrive in the region to farm its fertile lands and establish the area's first settlement, called Honey Creek. It may have remained a farming community for many years to come, had it not been for a rapid growth of heavy industry in the city of Milwaukee in the late 1800s and the extension of a street railway line to the area.

Milwaukee was running out of room for large manufacturing plants, and the Honey Creek area had become a highly desirable location for industry. Companies like Kearney and Trecker and the Rosenthal Comhusker Company began to make their home in the area that was now called North Greenfield, and soon Edward P. Allis decided that his company also needed room to grow.

In 1900, Allis moved his company, which had become an industry leader in machinery, to the area that would soon bear his name. Workers soon followed, and the population grew so quickly that the area was chartered as the Village of West Allis in 1902, and as a city only 4 years later.

The city of West Allis expanded to become the second largest city in Milwaukee County and seventh largest in the state. Although the region's decline in heavy manufacturing in the past several decades has brought challenges to the community, the city of West Allis and its mayor, Jeannette Bell, have worked tirelessly to bring in new businesses and revitalize West Allis neighborhoods.

West Allis remains a city that is proud of its industrial past and enthusiastic about its future. To the city of West Allis and its citizens, my heartiest congratulations, and my best wishes for a prosperous second century.

#### SUPPORT OF H.R. 3375—EMBASSY EMPLOYEE COMPENSATION ACT

##### HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 2002

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise in support of H.R. 3375, the Embassy Employee Compensation Act. Passage of this bill only makes common sense to me. After the tragic events of September 11, 2002, the United States Government vowed to make



sure that the victim's families affected would be taken care of and provided adequate compensation in order to carry on with their lives. I firmly supported the government's efforts in securing the futures of these families, but I have always felt that there were other victims as well being overlooked that were affected by cowardly acts of terrorism that also deserved some sort of compensation.

Mr. Speaker, overlooked were the American families who lost loved ones in the American Embassy bombings in Nairobi, Kenya, and Dar es Salaam, Tanzania, Africa. On August 7 of 1998, twelve American families lost a member or members that were dear to them while they proudly served their country abroad. To this date, these families have yet to be taken care of. I am sure that many of my colleagues are aware that back in July of 1999 I introduced legislation that if passed, would have provided \$1,500,000 to the survivors of each of the families affected. Unfortunately at time of introduction, many Members of the House of Representatives felt it was unnecessary. Therefore, my legislation never saw the light of day again. It took both the events of September 11th and the tireless efforts of a very brave young lady named Edith Bartley, who lost not one, but two members of her family in the Nairobi bombing to change the sentiments of this Chamber.

I want to commend Ms. Bartley on her persistence. She worked feverishly to see this legislation come to its fruition. She has literally worked on this nonstop for years and talked to countless Members to gain their support. At times, the prospects of this legislation passing this body looked grim. Nonetheless, she kept working and eventually the tides began to turn in her favor. The passage of this legislation is not only testament to your hard work, but a tribute to your father and brother as well. They would be proud.

Although you cannot place a price on a human life, the day for these families to be compensated for their loss has been long in coming and I am once again pleased to vote in favor of this legislation today. We should not only provide for the victim's families of 9/11, but all the families that have lost loved ones at the hands of Al-Qaeda. It's the only fair thing to do.

#### ATLANTA JOURNAL-CONSTITUTION CRITIQUES WELFARE BILL

#### HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 23, 2002*

Mr. GEORGE MILLER of California. Mr. Speaker, earlier this month the House of Representatives passed a welfare bill in which the Democratic Minority was not permitted to offer a single amendment. That legislation, H.R. 4737, fails to provide millions of families across the Nation with the help they need to get off welfare, stay off welfare, and move out of poverty. If this welfare bill were to become law in its current form, the results would be disastrous, not only for recipients and their families, but for states as well which would suddenly face billions of dollars in new mandates that the House has failed to help pay for.

It is important that we authorize a welfare bill that allows States to develop programs,

assess needs, and provide training, education and other appropriate work supports that provides the best opportunity for moving welfare families into sustainable work that will lead to long-term income self-sufficiency. In contrast, the House legislation imposes requirements that will prohibit States from assessing the individual needs of their families or providing the services that will give recipients the best chance to escape poverty.

Restricting training, education, and job readiness, as H.R. 4737 does, is short-sighted and fails to build upon what we have learned since the welfare law was reformed in 1996. The Republican bill also increases the demand on families without sufficient resources for essential work supports like child care.

Our concerns with the impacts of the House-passed bill are reflected in the following editorial.

[From the Atlanta Journal-Constitution, May, 22, 2002]

#### DON'T PENALIZE CHILDREN FOR PARENTS GOING TO WORK

When the U.S. Senate debates welfare reform this month, it will essentially be deciding whether the federal aid program exists to punish adults or protect children.

Last week, House Representative sent a welfare package over to the Senate that calls for stricter work requirements on welfare recipients. However, the House only approved a modest increase in child care funding in its proposal.

In defending the GOP plan, Representative J.C. WATTS, chairman of the House Republican Conference, said the goal was "to replace welfare checks with paychecks, foster independence, boost personal incomes and improve well-being of children."

Those are all admirable goals. Unfortunately, the least likely of them to be realized under the Republican plan is improving the well-being of children.

An increased demand for time on the job without a companion increase in child care dollars places stresses on fragile families. Children suffer in unstable day care arrangements, and their mothers are more likely to land back on welfare. Research shows that day care is often the fence that keeps a woman from making the transition from welfare to work.

Under the welfare reauthorization package approved by the House, 70 percent of a state's welfare recipients must be working or training 40 hours a week. The House gave only a nominal boost to child care funding, which is already so underfunded that it covers only one in seven qualified families.

And many states, forced to meet the higher work requirements, will use their discretionary funding to create makeshift or simulated jobs rather than to enhance child care options.

The Republican bill also stipulates more hours in paid employment and less in training, rehabilitation, vocational training and job readiness programs. The Senate ought to insist that more education and training count toward "work."

Since Congress overhauled welfare in 1996—replacing the old entitlement system with workfare—caseloads have fallen 50 percent. In a flourishing economy, states were able to move millions of people off the public dole and into jobs.

But while welfare reform was effective in getting people off cash assistance, it was less successful in getting them out of poverty. Many recipients ended in low-skilled jobs without any possibility of career advancement

The welfare recipients who failed to find work in the booming '90s were those with few skills or with substance abuse or mental health problems—hardly a subset likely to do well in a weakened economy. They represent the hardest-to-place cases for whom self-sufficiency will be impossible without drug treatment, training and education, the very things the Republican proposal undercuts.

The Senate Republicans and Democrats are more cordial and more conciliatory than their colleagues in the House. They ought to forge a compromise that puts people to work without putting children at risk.

#### A TRIBUTE TO THE TEACHERS, PARENTS, ADMINISTRATORS AND STUDENTS OF CHAPARRAL MIDDLE SCHOOL

#### HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 23, 2002*

Mr. GALLEGLY. Mr. Speaker, I rise to recognize the parents, students, faculty and staff whose dedication to excellence has earned a school in my district—Chaparral Middle School in Moorpark, California—recognition as a National Blue Ribbon school.

The National Blue Ribbon award honors excellence in leadership, teaching, curriculum, student achievement and parental involvement. Chaparral Middle School is a shining example of what can happen when parents, teachers and administrators collaborate on the best approaches for providing a quality education.

The attitude at Chaparral can best be summed up by the comment Principal Creighton Nicks made to a local newspaper: "We're never satisfied with good enough. We're always trying to be better."

The quality and dedication of teachers at Chaparral are epitomized by earth science teacher Mary Alice Reyburn, who was honored this week as a California State Science Fair Teacher of the Year. Part of the honor is a \$2,000 prize, which Mrs. Reyburn plans to donate to the school to purchase science equipment.

I am a product of the public school system, and I put my four children through Ventura County's public schools. One of my children is now a public school teacher. I am acutely aware that the most important tool we can give our children is a good education. Our students are the elected officials, businessmen, artists, scientists, parents and teachers of tomorrow.

Nineteenth century orator and public servant Edward Everett, who shared the speaker's platform with President Lincoln in Gettysburg, once said: "Education is a better safeguard of liberty than a standing army." Those words are equally true during these perilous times, as we fight terrorists for the right to remain free.

Mr. Speaker, as our nation works in concert to better our education system, it would serve us well to study the successes of our National Blue Ribbon schools. They are the best of the best and a key to our future. I know my colleagues will join me in applauding Chaparral Principal Nicks, his entire staff, and the parents and students of Chaparral for raising the

bar and setting a strong example for others to follow.

TRIBUTE TO SGM WILLIAM ROGER LAYMAN

**HON. IKE SKELTON**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 23, 2002*

Mr. SKELTON. Mr. Speaker, let me take this means to pay tribute to SGM William Roger Layman upon his retirement from the United States Army.

SGM Layman has served our nation with honor and distinction for over 30 years, and his performance throughout his career has been characterized by the highest standards of professional ethics and commitment to the military. He was drafted into the United States Army in July 31, 1969, and attended basic training at Fort Leonard Wood, MO. SGM Layman became a Personnel Specialist in June 1970 and was stationed in Heidelberg, Germany. He finished his career as a Logistics Operations SGM with the 3rd BDE, 95th Division.

SGM William Layman received a bachelor of science degree in accounting and is currently the Chief of the Internal Review and Audit Compliance Office, USA MEDDAC, at Fort Leonard Wood, MO.

SGM William Layman's awards include the Army Commendation Medal w/Oak Leaf, Army Achievement Medal, Army Good Conduct Medal, Army Reserve Component Achievement Medal w/Silver Oak Leaf (6th Award), National Defense Service Medal with Service Star, Armed Forces Reserve Medal w/hour glass, NCO Professional Development Ribbon (3), Army Service Ribbon, Overseas Service Ribbon, and Army Reserve Components Overseas Training Ribbon (2nd Award).

Mr. Speaker, I am certain that my colleagues will join me in wishing SGM Layman all the best. We thank him for over 30 years of service to the United States of America.

TACEY GAUTHIER: AN  
AMBASSADOR FOR HEALING

**HON. JAMES A. BARCIA**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 23, 2002*

Mr. BARCIA. Mr. Speaker, I rise today to pay tribute to Tacey Gauthier of Linwood, Michigan, for her significant contributions in the field of emergency medical services. The tragic events of September 11 reminded us all of just how critical our paramedics and other medical workers are in emergency situations. As a paramedic with Bay Regional Medical Center EMS in Bay City, Tacey time and again has displayed the courage and dedication required to do the job the way it ought to be done.

Tacey began her career in 1989 with Bay Regional Medical EMS. In addition, she volunteered with Northern Bay Ambulance in Pinconning, Michigan, and spent a year with Advance Medical Transport in Pontiac, Michigan. From the start, Tacey went full-throttle in her efforts to learn and develop as an emer-

gency services worker. Later, she expanded her knowledge to become a field training officer and a classroom instructor.

Over the years, the list of Tacey's qualifications and certifications multiplied to a point that they are now too numerous to fully include on her resume. She is certified in advance cardiac life support, pre-hospital trauma life support, automatic external defibrillator and a host of other areas for the treatment of emergency victims. She also is qualified as an EMS instructor and by the American Academy of Pediatrics as an instructor for pediatric emergencies for pre-hospital providers.

While Tacey has certainly saved many lives in her work as a paramedic, her skills and passion for teaching and training others to become emergency medical technicians is perhaps an even greater gift. She has an unparalleled reputation for making difficult subject matter more accessible and more easily understandable for her students. By teaching others, Tacey is leaving a legacy that will improve and expand emergency medical services in Bay County and throughout Michigan well into the future.

Mr. Speaker, I ask my colleagues to join me in expressing gratitude to Tacey Gauthier, Bay Regional Medical Center EMS and all emergency medical workers serving on the front lines in communities all across America. I am confident that Tacey will continue to teach, guide and lead by example so that others will emulate her efforts to become first-rate paramedics or emergency medical technicians.

A TRIBUTE TO MR. BURDETTE  
ANDREWS

**HON. NICK SMITH**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 23, 2002*

Mr. SMITH of Michigan. Mr. Speaker, it is with great pride that I rise to recognize one of my constituents and a friend, Burdette Andrews, of Jackson, MI, who is retiring as superintendent of Vandercook Lake schools where he served for 56 years. Mr. Andrews is recognized as the longest serving superintendent of schools in the history of our nation. Burdette is well known for having served the people of the school district and the state of Michigan with a dedication unparalleled by any before him.

It is nearly impossible for me to stand before you and do such an inspiring man justice with mere words, however, when I think of this man who played such an important part in the education of so many young people and future leaders, I am moved to try. I think of words such as resilience, honor, dedication, and intensity, warmth, friendliness, and kindness. None of these words, however, are quite enough. One thing I can be sure of though, is that in that part of Michigan's seventh district, Burdette Andrews is a legend.

Fellow representatives, by serving his school district for 56 years, Mr. Andrews has not only set national record for length of service in this profession, but also has brought great honor and distinction to that profession he loved so much. Burdette Andrews is credited with being responsible for the popular feeling among people in his community toward the public school system.

Burdette married Annabel Shafer in 1940. They had four children. Don Edwin Andrews, deceased in 1992, was an accountant and auditor for DOT in Detroit, Dan L. Andrews, partner and member of the operating committee for Roney and Co., a stock brokerage firm Jonathan B. Andrews, high school counselor at Chelsea High School and a private psychotherapist, Judith A. Andrews, controller at ShoTech Presentations in Madison Hgts.

Burdette was born in 1908 and graduated from Greenville College in Illinois in 1930. He then went on to earn a master's degree in administration from the University of Michigan. Before starting his career as the superintendent of schools of Vandercook Lake in the Summer of 46.

Every millage election through the years since 1946 for new school buildings and/or additions and additional millage for operation was always approved by a the people of Vandercook Lake. One reason was that Burdette Andrews was always conservative with the taxpayer's money.

Academically, Vandercook Lake Public Schools have maintained accreditation continuously with the University of Michigan and the North Central Association of Colleges and Schools. Curriculum has been expanded at both the elementary and secondary levels. Special programs have been added to benefit all children. An excellent staff of administrators and teachers has been maintained. The expansion and enrichment of the athletic and activities program for students, including a high school band program, have taken place. All these things were accomplished with Mr. Andrews' guidance. He has served this community well.

Burdette Andrews not only embodies all of the characteristics and qualities that we as legislators desire for all those in public service. By allowing children access to him and the qualities and characteristics he embodies for his 92 years, Burdette Andrews has done a great service to America's youth and, therefore, Burdette Andrews has done a great service to America.

HONORING THE VISALIA AVENUE  
OF FLAGS

**HON. GEORGE RADANOVICH**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 23, 2002*

Mr. RADANOVICH. Mr. Speaker, I rise today to honor the Avenue of Flags Ceremony of Visalia, California, performed on Memorial Day. The Avenue of Flags service is held to remember the fallen veterans of past wars. Prior to the program, the casket flags of these veterans are flown on display at the Visalia Cemetery.

The Avenue of Flags has been a Memorial Day tradition in Visalia for 12 years. This year, 1,292 casket flags will be flown on Monday, May 27. On Saturday May 25, 3,000 small flags will be placed at each of the military grave marker stones at the Visalia Cemetery. Some graves date as far back as the Civil War.

Dr. Manuel Garcia, commander of the Avenue of Flags Veterans Association, along with many groups of volunteers including school groups, service organizations, Boy Scouts, Girl

Scouts, Cub Scouts, Sea Scout Cadets, Navy, Marine, and Army personnel are responsible for the success of this memorial celebration.

Mr. Speaker, I rise today to honor the Visalia Avenue of the Flags Memorial Day Ceremony. I invite my colleagues to join me in remembering the fallen veterans of Visalia, and in thanking the Visalia community for their continued dedication to the memory of past veterans.

#### MEMORIAL DAY MESSAGE

#### HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 23, 2002*

Mr. PUTNAM. Mr. Speaker, in 1868 Major General John A. Logan established a "Decoration Day" on May 30 as a day of remembrance for the dead of the Civil War. General Logan ordered his posts to decorate the local cemeteries "with the choicest flowers of springtime" to honor the thousands killed during those four terrible years. Today, some 2,847,200 veterans lie in honor in our national military cemeteries. Since the start of Operation Enduring Freedom last year, 22 Americans killed in action in the Afghan theater have joined them.

Freedom's latest hero was a member of the National Guard's 19th Special Forces Unit, Sgt. Gene Arden Vance Jr., 38, of Morgantown, W. Va., who was killed in action on May 19. Citizen-soldiers have always been the foundation of America's military strength, and Sergeant Vance's loss is a sad reminder that your neighbors who serve in the National Guard and Reserves play a unique role in our armed forces.

Today, the men and women of the National Guard and Reserves serve America within and beyond our borders. Just this week National Guard soldiers left the Jacksonville Airport, successfully concluding their airport security mission in Florida. Since the September attack on our country the National Guard provided security at 19 airports in Florida for over nine months and did a magnificent job protecting our airports and other vital installations. Their professionalism, dedication and discipline reassured Americans and contributed mightily to repelling the economic attack the terrorists perpetrated against our country.

General Logan's original Decoration Day proclamation called us to honor those who made the ultimate sacrifice, "We should guard their graves with sacred vigilance . . . Let no neglect, no ravages of time, testify to the present or to the coming generations that we have forgotten as a people the cost of a free and undivided republic." I urge you to take this charge to heart and honor those who made the ultimate sacrifice for our country by stopping what you are doing at 3:00 pm on Memorial Day to participate in the National Moment of Remembrance, but don't stop there.

This year, once Memorial Day has passed, consider what the world might look like if not for the service of generations of Americans. Take time throughout the rest of the year to reach out to the members of our armed services who are fighting freedom's newest enemies. Tell them the citizens of our state and nation are grateful for their service, and thank them and their families for the daily sacrifices that allow them to serve.

POEM BY LT. COL. JOHN MCCRAE  
ON MEMORIAL DAY

#### HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 23, 2002*

Mr. STUMP. Mr. Speaker, on Memorial Day, the nation will honor, remember and thank those who gave their lives in the service of the nation. I want to commend to my colleagues' attention the well-known poem "In Flanders Field" by Lt. Col. John McCrae, as a reminder of the sacrifices made by service men and women in preserving our freedoms and democracy.

IN FLANDERS FIELD

By Lieutenant Colonel John McCrae, MD  
(1872-1918)

In Flanders Field the poppies blow  
Between the crosses, row on row,  
That mark our place, and in the sky  
The larks, still bravely singing, fly  
Scarce heard amid the guns below.  
We are the Dead. Short two days ago  
We lived, felt dawn, saw sunset glow,  
Loved and were loved, and now we lie  
In Flanders field.  
Take up our quarrel with the foe:  
To you from failing hands we throw  
The torch; be yours to hold high.  
If ye break faith with us who die  
We shall not sleep, though poppies grow  
In Flanders field.

#### REGARDING THE 27TH INFANTRY DIVISION OF THE UNITED STATES ARMY

#### HON. MICHAEL R. McNULTY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 23, 2002*

Mr. McNULTY. Mr. Speaker, as we approach Memorial Day, I would like to take this opportunity to clear the air regarding an unwarranted blemish cast upon a unit of the New York National Guard—a unit that enjoys an otherwise illustrious history dating all the way back to the Revolutionary War.

For 56 years, the U.S. Army's 27th Infantry Division, a unit of the New York National Guard, has carried this black mark—as a result of a thoughtless outburst with little basis in fact—by the Marine General commanding the Saipan Invasion in 1944. This situation was further compounded when Time Magazine published the General's remarks without seeking to corroborate their veracity.

In July 1944, the 27th Infantry Division, commanded by Army General Ralph Corbett Smith, was ordered to relieve a division of Marines engaged in fierce fighting on the mountainous island of Saipan in the western Pacific.

The combined force of National Guardsmen and Marines would be led by the top-ranking ground officer on Saipan, commanding the Fifth Amphibious Corps, Marine Lt. Gen. Holland M. "Howlin' Mad" Smith. This proved to be a questionable decision.

The dissimilar training of the Army and Marine Corps units did not prepare them to achieve the expectations of Lt. Gen. Smith and he overreacted. Marine Lt. Gen. Holland Smith relieved Army Gen. Ralph Smith of his

command when Lt. Gen. Smith mistakenly charged that Gen. Ralph Smith was incapable of motivating his troops in battle that he said resulted in losses to the Marines.

Officers are relieved in wars for various reasons, and the matter usually remains private within the military. The Smith versus Smith controversy, however, spread from the remote island in the Pacific all the way to the American media and the Pentagon.

Army generals in the Pacific angrily accused Lt. Gen. Holland Smith of bias. While the Army Chief of Staff, George C. Marshall, did not believe Lt. Gen. Holland Smith's allegations, he ordered that no public response be made—in an effort to preserve interservice cooperation. In fact, Marshall was eventually able to smooth things over with his naval counterpart. Gen. Ralph Smith, for his part, was later exonerated by an Army board of inquiry and enjoyed a successful military and diplomatic career.

At the time, however, the American press was quick to choose sides, and Time-Life allied with the Marines. Time Magazine printed an article that maligned the heroism and credibility of the 27th Infantry Division. Marine recruits were told that the Army "wouldn't fight" on Saipan. Lt. Gen. Holland Smith's version of events was repeated without question in numerous histories and memoirs.

Following a complete investigation, the Lt. General's superior, Admiral Chester Nimitz, announced in an official memorandum that the 27th Division had been harshly treated and much maligned. Admiral Nimitz concluded that there was a definite need to remove the stigma attached to the division, by the Navy Department in Washington, by publicly stating their "continued confidence in the courage and battle efficiency of the 27th Division."

At the conclusion of his extensively researched book on the Saipan battle, published in 1986, historian Harry A. Gailey noted that "the slurs cast upon the officers and the men of the 27th Division then and later by [General] H.M. Smith in his articles and books were totally unwarranted and unconscionable. Those who gave a part of themselves to gain victory in the conquest of this important island bastion deserved better—from their commander and their nation."

As more and more of the brave veterans who placed themselves in harm's way for America pass to their final resting places, it is not only appropriate but incumbent on us to correct any miscarriage of judgment and restore any lack of recognition which they, the men of the 27th, truly have earned and deserve. Mr. Speaker, let us, here, in this chamber, take a necessary first step and salute those veterans of the 27th Infantry Division—three of whom were posthumously awarded the Medal of Honor: Capt. Benjamin Salomon and Troy, New York, natives Col. William O'Brien and Sgt. Thomas Baker—in the glorious spirit that has characterized so many in our military, who did what was asked of them with courage and determination, without regard for their own safety, and asking for no special reward but the thanks of their citizens.

Mr. Speaker, had it not been for the men and women who wear the uniform of the United States military through the years, we would not have the privilege of bragging about how we live in the freest and most open democracy on the face of the earth. Freedom is not free. We have paid a tremendous price for

it, and I try not to let a day go by without remembering with deep gratitude all of those who, like my brother, Bill, made the supreme sacrifice; and all of those who served and were willing to put their lives on the line—as servicemen and women are doing right now—for all that we hold dear. That is why when I get up in the morning, the first two things I do are to thank God for my life and veterans for my way of life.

Today, Mr. Speaker, and this Memorial Day, I am proud to say "Thank You" to the veterans of the 27th Infantry Division.

TRIBUTE TO MARQUETTE AREA  
PUBLIC SCHOOLS ON THE OCCA-  
SION OF THE SCHOOL DISTRICT'S  
150TH ANNIVERSARY

**HON. BART STUPAK**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 23, 2002*

Mr. STUPAK. Mr. Speaker, I rise today to call your attention and that of our colleagues to a special event which took place in my northern Michigan congressional district this past month. In April the Marquette Area Public School District, the largest school district in the Upper Peninsula of Michigan, marked 150 years of service to the local community and to the region.

Here in Congress the debate and discussion of education is often moved to an abstract level, where, we discuss programs and dollars. In northern Michigan, as in much of this young nation, education has traditionally been viewed as a means of personal enrichment, achievement and advancement. In Marquette, a town settled by loggers, miners and the tradesmen who followed them to build a community, education still serves that basic social role.

It remains the belief of the Marquette Area Public School District, as outlined in its mission statement, that "all students can learn and achieve mastery of basic skills." The school district, the board and the administrators, pledge to "teach all students so that they can attain their maximum educational potential and become responsible, contributing members of society."

The Marquette Area Public School District covers an area of 123 square miles and serves a population of approximately 31,000, according to its 2000–2001 annual report. During that period, 246 teachers in six elementary schools, two middle schools and one high school provided public education to more than 4,100 students in grades kindergarten through 12.

Clearly, Mr. Speaker, Marquette Area Public Schools has come a long way as a civic institution since Marquette's first school began in a home in 1849 with just four students. This focus on education is even more important today to prepare students for tomorrow, because Marquette itself has changed. Hallmarks of the community today include a fine university, Northern Michigan University, and a fine hospital, Marquette General Hospital, which as a key resource in a rural area has been working on the cutting edge of telemedicine.

Jacqueline Winkowski, administrative assistant to the superintendent and the school

board, noted in a recent document that Marquette Area Public Schools is often called up by other school districts in Michigan's Upper Peninsula to share its practices and procedures and to provide expertise and professional development. Teachers from this district have continued to serve on state-level panels and committees on the topics of reading, literacy, social studies and science.

Dr. Patrick Smith, superintendent of Marquette Area Public Schools, recently told the Marquette Mining Journal that the district was happy to be celebrating its first 150 years and looks forward to the next 150. If this first century and a half are any indication, this school district, ably assisted by community members serving on its board, will continue to provide vision and leadership in the field of education for this region.

REMEMBERING PETE BEIDEN

**HON. GEORGE RADANOVICH**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 23, 2002*

Mr. RADANOVICH. Mr. Speaker, I rise today to honor the memory of Pete Beiden on the occasion of the dedication of a statue in his honor at Beiden Field at California State University, Fresno. Beiden served as the baseball coach at Fresno State from 1948–1969 and the field was renamed for him in 1972.

Coach Beiden had an impressive resume with a record of 602–268 in his tenure at Fresno State with winning seasons every year and 10 Conference Championships. Pete was inducted into the Fresno Athletic Hall of Fame in 1964, the College Coaches Hall of Fame in 1972, and the Fresno State University Baseball Hall of Fame in 1991. Coach Beiden's contributions to baseball extended well beyond Fresno State. His extensive understanding of the fundamentals of the game and his talent for teaching the skills to young athletes enabled Pete to reap a harvest of gifted ball players, coaches, and entire teams. His legacy lives on in those he coaches and mentored.

Coach Beiden's legacy goes beyond the baseball diamond, however. Pete is also, and perhaps best, remembered as a devoted husband, father, and friend. He was a farmer who loved his ranch, a reader who loved history, and a music lover. Pete's wife, Martha, died in 1997 after 69 wonderful years of marriage. Their son, Roland, a renowned pianist and teacher, died in 1980.

Coach Beiden passed away on March 6, 2000. A statue, sculpted by William Behrends, will be unveiled at Beiden Field on May 25, 2002, prior to the Fresno State baseball game.

Mr. Speaker, I rise today to remember Coach Pete Beiden and thank Fresno State for commemorating his life and service. I invite my colleagues to join me in honoring Coach Beiden for his service to baseball and his community.

CONFERENCE REPORT ON H.R. 3448,  
PUBLIC HEALTH SECURITY AND  
BIOTERRORISM PREPAREDNESS  
AND RESPONSE ACT OF 2002

SPEECH OF

**HON. ANNA G. ESHOO**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 22, 2002*

Ms. ESHOO. Mr. Speaker, I'm pleased that we have reached an agreement on H.R. 3448, the Bioterrorism Preparedness Act. I commend my colleagues who served on the conference committee for reporting out a strong, effective and balanced bill.

It's critically important that we protect our nation from biological and chemical attacks and this bill takes a number of necessary steps to bolster our defenses in these areas.

As we know, response to any attack against our country begins at the local level. This bill provides significant resources to state and local governments to ensure that they are ready and able to respond to any situation.

Communities must be able to adequately train and equip their first responders.

These block grants will allow communities to purchase supplies, train staff, and upgrade infrastructure—all necessary components of creating safe towns and cities. This bill also provides needed funding for vaccine and pharmaceutical stockpiling and future anti-terrorism medical research efforts. We must continue our efforts to prepare for any eventuality and medical research is a critical component of this plan.

I'm also pleased that the bill takes a number of steps to protect our nation's food supply. Dinner-time should not be a source of worry to the American people.

However, we must continue to evaluate the effectiveness of these provisions. I believe that there is more to be done in this area in order to fully establish safe and effective monitoring of our food supply.

Finally, I'm particularly pleased that the conference committee was able to include language that directs the Centers for Disease Control to consider the use of antiviral products in the National Pharmaceutical Stockpile.

Biological agents such as smallpox and anthrax are significant concerns for our government to address. We must ensure that our stockpile contains vaccines and treatments that are effective for all citizens. Antiviral products are yet another mechanism for treating smallpox and I'm pleased that the CDC will be evaluating the appropriateness of their use.

Again, I thank my colleagues for their hard work on this bill and I commend them for their efforts.

NATIONAL STROKE AWARENESS  
MONTH

**HON. DANNY K. DAVIS**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 23, 2002*

Mr. DAVIS of Illinois. Mr. Speaker, this month has been designated as National Stroke Awareness Month. In this regard, I will focus on the topic of stroke and its prevention.

Stroke is an acute onset of focal neurologic deficits resulting from diminished blood flow.

This diminished blood flow can be caused by ischemia (clogging) or hemorrhage (bleeding). In both scenarios, there is not enough oxygenated blood nourishing the brain, hence, a person will have a stroke.

Risk factors for stroke include diabetes, high blood pressure, smoking, atrial fibrillation (fast heart beat), and cocaine.

This disease affects so many citizens in our Nation. Stroke is America's No. 3 killer. This disease kills nearly 170,000 Americans annually. It attacks an American every 53 seconds consequently killing an American every 3 minutes.

When we look at death rates in each State, the State of Illinois's death rate from stroke is ranked No. 23.

This deadly disease costs our economy billions to manage in our hospitals and healthcare facilities. The estimated direct and indirect costs (in billions of dollars) for the management of stroke patients are 49.4 billion in the year 2002. The numbers for Heart disease are even more devastating.

Stroke has no preference for any race or gender. It is one of the cardiovascular diseases, the top killers in each ethnic group. Many citizens of the African-American community deal with high blood pressure and diabetes. These citizens visit family physicians for check-ups infrequently. Education on prevention is not prevalent in many minority communities. Additionally, minorities deal with more stress than other populations. As a result, minorities become likely candidates for having a stroke.

In the midst of these devastating statistics, there are answers. Education on prevention is an excellent route to fight the horrors of stroke. Additionally, we should continue to emphasize heart and stroke research. Heart and stroke research have not kept pace with the burdens of this disease. The NIH only invested \$1.6 million on heart research and \$240 million for stroke research in fiscal year 2001. Even in this time of increasing funding, the NIH only funds 1 of every 3 research applications. Hence, two-thirds of potentially life-saving opportunities are lost.

I urge my colleagues to increase funding to the NIH and CDC for heart and stroke research. It is critical that we act swiftly. I urge society to do their individual part and live healthy lifestyles. An American if capable should exercise three to four times a week, eat low-fat and high-fiber diet mostly throughout the week, perform activities that remove stress, and visit your family practitioner routinely.

In closing, cardiovascular diseases including stroke kill almost as many Americans as the next seven leading causes of death combined. Let's invest in heart and stroke research,

during floor consideration of H.R. 3448, let me clarify that language included in the Conference Report regarding Section 307 as it relates to food packaging materials. Section 307 dealing with prior notice of imported food shipments should not be construed to apply to food packaging materials or other food contact substances if, at the time of importation, they are not used in food.

#### VETERANS HONORED BY THE NATIONAL BASEBALL HALL OF FAME

#### HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 23, 2002*

Mr. SMITH of New Jersey. Mr. Speaker, I rise today to inform my colleagues about a very special event that will take place this Monday, May 27th, Memorial Day, in Cooperstown, New York. In a special ceremony, on the day in which we honor America's fallen heroes, the National Baseball Hall of Fame will take time out to honor the 64 members of Baseball's Hall of Fame who served honorably in our nation's armed forces.

Mr. Speaker, as a nation, we remember and honor the dedicated service of all veterans who have worn the uniform of the United States, including those without the famous sobriquets or the notoriety of our baseball legends.

As a fan and amateur player, I have long cherished baseball and those who played the game. As Chairman of the Committee on Veterans' Affairs of the United States House of Representatives, I have the privilege of working every day on behalf of America's veterans. That is why I am so pleased that the Hall of Fame has chosen to hold this remembrance. During a special ceremony on Monday at Cooperstown, a plaque will be erected in the Hall of Fame Gallery to permanently honor these veterans who earned baseball's highest recognition.

In announcing this event, Dale Petroskey, president of the National Baseball Hall of Fame, explained its purpose:

"Since the first pitch was thrown, baseball history has been intertwined with American history . . . during World War II, some 95 percent of all major leaguers registered for active duty, including its biggest stars. Hall of Fame members who put themselves in harm's way and sacrificed some of their most productive baseball years join a special category we call true national heroes. This plaque represents their sacrifice and bravery and reminds us of all Americans who have fought—and are continuing to fight—for freedom."

Mr. Speaker, among the 64 veterans being honored this coming Monday are five veterans of World War II who will be in attendance: Warren Spahn, Bobby Doerr, Bob Feller, Ralph Kiner, and Phil Rizzuto.

Warren Spahn, of Buffalo, New York, was elected to the Hall of Fame in 1973. A left handed batter and pitcher for the Boston-Milwaukee Braves, Mr. Spahn had 363 career wins, led the National League in wins eight times, and was awarded the Cy Young award in 1957 as baseball's most outstanding pitcher. In his 21-year long career, he was voted an all-star 14 times, pitched two no-hitters,

and holds the National League record for total number of innings pitched. Mr. Spahn missed the 1943, 1944, and 1945 major league seasons while serving courageously in the United States Army. During his service, he was awarded the Purple Heart and Bronze Star.

Bobby Doerr, known as "the silent captain of the Red Sox", played second base for Boston. He held the American League record for handling 414 plays without errors and was also a prominent leader among second basemen in double plays, putouts, and assists. Following his service in the United States Army, Mr. Doerr returned to baseball in 1946, leading the Red Sox to the World Series where he batted a remarkable .406.

Bob Feller of the Cleveland Indians was known as "Rapid Robert" during his 18 years of professional baseball. In 1940, Mr. Feller led the American League with 27 games won, a 2.61 earned run average, 261 strikeouts, and 31 complete games. Despite the loss of four years in his career due to his time spent serving his country in World War II, Mr. Feller had 2,581 strikeouts and pitched three no-hitters. During his service in the United States Navy, Mr. Feller was awarded five campaign ribbons studded with eight battle stars.

Ralph Kiner played for the Pittsburgh Pirates, debuting in 1946 after his service with the United States Navy. In his 10-year career, Mr. Kiner had 369 homeruns and averaged 7.1 homeruns per 100 at-bats, which places him directly behind Babe Ruth, the all-time leader in this statistical category. In 1951, Mr. Kiner led the National League with a .452 on-base percentage and a .627 slugging percentage. Elected into the Hall of Fame in 1975, Mr. Kiner was known as a true powerhitter who envisioned a home run each time he stepped up to the plate. Following his playing career, he became an announcer for the New York Mets, where he has remained for 40 years, still hosting a popular post-game show called "Kiner's Corner."

And finally, Phil Rizzuto, of Brooklyn, New York, played for the Yankees for 13 seasons. Known as "The Scooter", Rizzuto was a slick fielding shortstop and incredible base runner who ended his baseball career with a .273 batting average. He was named an All-Star five times and was the American League's Most Valuable Player in 1950. As a member of the United States Navy, Phil Rizzuto fought in World War II for three years and missed the 1943, 1944 and 1945 seasons.

As you can see, Mr. Speaker, these gentlemen were extraordinary ball players who earned the title of American heroes on the diamond. More importantly, they were soldiers, sailors and marine, audacious and bravehearted, who answered their country's call. Like the other 59 members of the Hall of Fame, including one Civil War veteran, they interrupted successful careers to defend the freedom and liberties that each of us are privileged to enjoy today.

On a day when we celebrate the heroism and honor the memory of millions of men and women who paid the ultimate sacrifice on behalf of our country, I am pleased to see that these Hall of Famers also honored for their service. It is both fitting and appropriate to pay homage to these special veterans who answered the call to duty when their nation needed them.

Mr. Speaker, I call on all Americans who cherish liberty and freedom to join us this

#### CONFERENCE REPORT ON H.R. 3448, PUBLIC HEALTH SECURITY AND BIOTERRORISM PREPAREDNESS AND RESPONSE ACT OF 2002

SPEECH OF

#### HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 22, 2002*

Mr. SHIMKUS. Mr. Speaker, in addition to my statement for the record on May 22, 2002

weekend in respectful recognition of all the brave men and women who have worn the uniform, fought and died for our country. God Bless them all.

IN MEMORY OF MR. GEORGE TAGG

### HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 2002

Mr. TANNER. Mr. Speaker, I rise today to remember a very dear friend of mine, Mr. George Canale Tagg, who passed away May 14th of this year.

George's career is the perfect example of how hard work can pay off. Originally from Memphis, he started working at the Federal Express hub there, some 30 years ago. He stayed with FedEx over the years, eventually making his way here to Washington, where he became the company's managing director of Government Affairs. He retired and started his own firm, retaining FedEx as a client.

Although he called Memphis home, he most recently resided in Chevy Chase, Maryland, and was very active in the community here. He was a communicant of the Shrine of the Most Blessed Sacrament in Washington, a member of the Columbia Country Club and the University Club of Memphis.

George was one of my best friends. He was a kind, gentle man who genuinely cared deeply about all his fellow human beings. This unique devotion to goodwill shone through to all who knew and worked with him.

He made a huge and valuable contribution to our country in his all-too-short life. I know I will miss George Tagg tremendously, and I know his presence will be missed on Capitol Hill.

IN MEMORY OF REV. DR. M.  
MORAN WESTON

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 2002

Mr. RANGEL. Mr. Speaker, I rise to pay tribute to Rev. Dr. M. Moran Weston who passed away on May 18, 2002. Hardly a month went by when I did not hear his soothing baritone voice on the phone, teaching, encouraging, inspiring with his love and concern for our young people, for the elderly, for the poor and forgotten. I will miss him.

The glowing notices in the press will only add to the historical record of the great rector of St. Philips. His name is already enshrined at St. Augustine's College and Columbia University. But those of us who knew him, who live in the neighborhoods he enriched, will forever be reminded of his contributions by just walking the streets of Harlem and Morningside Heights.

He protested injustice, picketed and cajoled. But more than anything, he searched for solutions and achieved results. When the downtown banks refused our people credit, he founded and built Carver Federal Savings into a billion dollar banking institution. So no one would be left homeless, he built housing for seniors, for the mentally ill, and day care facilities

for children. He lobbied Congress to make decent, affordable housing a right under the Constitution of the United States.

A true man of God, the only credit he would humbly accept was having been blessed with a gift for encouraging others to action. But we know better, and we are indebted to Moran for his ideas, for his hard work and for his faith that with God nothing is impossible.

With his beloved wife Miriam, and children Gregory and Katherine, and his family I share the pain of loss. But I am deeply grateful that God saw fit to place Moran with us for his long and bountiful life. His memory will be with us always.

### AUBURN HILLS AVONDALE YELLOWJACKETS

### HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 2002

Mr. KILDEE. Mr. Speaker, I rise today to congratulate the Yellowjackets of Auburn Hills Avondale High School, on winning the 2001-2002 Michigan High School Athletic Association Class B State boys basketball championship. The Yellowjackets defeated the Grand Rapids South Christian Sailors 70-65 in the final game. It was certainly an exciting game that showcased some of the best talent the state of Michigan has to offer.

The Yellowjackets are a true testament of what hard work, determination, and a passionate desire to win can accomplish. Under the guidance of six-year Head Coach Tim Morton, the championship served as a wonderful finish to a remarkable year. This was the team's first visit to the state finals, and they finished their storybook season with a tremendous record of 25-3.

The Yellowjackets roster includes: seniors Jeremiah Handley, Brandon Larvadain, Mike Lewis, Kevin McConnell, Dionte Miller, Greg Riley, Wes Whiteside; juniors Brandon Borden, Steve Ellsworth, Kory Powell; sophomores Justin Bradford, Dave Holston; and freshmen Kerry Cole, Korey Cole. These young men, led by team captains Whiteside and Lewis, proved to be leaders in the classroom, the basketball court, and the community. They are all shining examples of the Avondale School District's strong commitment to success in all aspects of life.

Mr. Speaker, I salute the accomplishments of the Avondale Yellowjackets, and share the joy of their victory with Avondale students and alumni and especially the people of Auburn Hills. I ask my colleagues in the 107th Congress to join me in congratulating these fine gentlemen.

### INTRODUCTION OF THE STRENGTHENING A FAST ENTRY AT THE BORDER ACT OF 2002 (SAFE BORDER)

### HON. SUSAN DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 2002

Ms. DAVIS of California. Mr. Speaker, I rise today to talk about an opportunity to secure our borders and support commerce.

Securing our borders has long been a challenge. Doing so must balance appropriate enforcement without hindering legitimate crossborder travel or commerce, and still protect civil liberties. However, the events of September 11, coupled with daily traffic between the U.S.-Mexico border, have severely overextended our border inspection resources.

My district does not contain ports of entry, but its proximity to the border has affected it. I hear stories from my constituents about waiting in line for hours in the morning to commute to work. Long inspection lines are commonplace, with delays lasting several hours. This border congestion has negatively impacted San Diego area businesses.

In response, I have been working with various organizations in the district to develop a strategy to provide relief for San Diego. I have heard from many about SENTRI, a dedicated commuter lane demonstration project at the border that integrates technology with law enforcement.

SENTRI addresses the issues of congestion and long border delays by quickly moving low risk travelers through the inspection process. Frequent travelers participate in the SENTRI program by undergoing an extensive background check and interview to verify their low risk status. Once approved, the participants and their registered vehicles enter the country through a traffic lane exclusively reserved for them. Transponders in the car retrieve the vehicle and occupant information from the SENTRI database and display it on a screen within the inspection booth for fast identification. A border agent then compares the car's occupants to the pictures on the screen, allowing them to quickly continue on their way.

Demand for SENTRI passes has significantly increased since September 11. However, prospective participants encounter a tremendous application backlog. Applicants face up to a six-month waiting time to receive an appointment with the enrollment center and another three months for approval notification.

As a result, I am introducing the Strengthening a Fast Entry at the Border Act or the SAFE Border Act of 2002. The SAFE Border Act will increase security by pre-screening more people and by allowing agents to focus their enforcement efforts on those who have not passed extensive background checks.

Specifically, my legislation does three things: it gives the attorney general the authority to fully implement and make programs like SENTRI permanent. Dedicated commuter lanes and PortPASS programs have clearly shown their effectiveness in maintaining security and expediting travel. I believe the nation can only benefit from further expansion of these programs.

The second part allows INS and Customs personnel to devote more resources to prospective applicants by extending the permit renewal period to two years. By design, enrollees are a self-selected population. Focusing more attention to applicants will move more people out of the general commuter lanes and allow more background checks. Extending the renewal period will substantially reduce the waiting time for those seeking SENTRI approval and increase legitimate border traffic.

The last part of my legislation encourages increased staffing and resource allocation to SENTRI. Our borders are protected by a dedicated group of Customs and INS officers. Their constant vigilance constitutes our first



line of defense against threats and we owe them our gratitude. However, they need our federal assistance in carrying out their duties.

I urge all of my colleagues in Congress to work with me to pass the SAFE Border Act quickly into law.

## EROSION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN KAZAKHSTAN

**HON. MARTIN T. MEEHAN**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 23, 2002*

Mr. MEEHAN. Mr. Speaker, I rise to voice my concern about continuing serious violations of human rights and fundamental freedoms in Kazakhstan, including substantial noncompliance with their Organization for Security and Cooperation in Europe (OSCE) commitments on democratization and the holding of free and fair elections.

Kazakhstan has been a participating state of the Organization for Security and Cooperation in Europe (OSCE) since 1992 and has freely accepted all OSCE commitments, including those concerning human rights, democracy, and the rule of law. Kazakhstan has affirmed that every individual has the right to freedom of thought, conscience, religion or belief, expression, association, peaceful assembly and movement, freedom from arbitrary arrest, detention, torture, or other cruel, inhuman, or degrading treatment or punishment, and if charged with an offense the right to a fair and public trial. And, Kazakhstan has committed itself to build, consolidate, and strengthen democracy as the only system of government, and is obligated to hold free elections at reasonable intervals, to respect the right of citizens to seek political or public office without discrimination, to respect the right of individuals and groups to establish in full freedom their own political parties, and to allow parties and individuals wishing to participate in the electoral process access to the media on a nondiscriminatory basis.

Nevertheless, President Nursultan Nazarbaev dissolved parliament in 1993 and again in 1995, when he also annulled scheduled Presidential elections. He has also refused to register opposition parties, and has exited opposition figures and forced members of the media out of the country. On January 10, 1999, President Nazarbaev was reelected in snap Presidential elections from which a leading challenger was excluded for having addressed an unregistered organization, "For Free Elections," and the OSCE assessed the election as falling far short of international standards. Finally, on June 22, 2000, the Kazakhstan parliament approved draft legislation designed to give President Nazarbaev various powers and privileges for the rest of his life.

In March of this year, President Nazarbayev imprisoned two of his leading political rivals, Msrs. Mukhtar Ablyazov and Mr. Aymzhan Zhakiyanov, and former Prime Minister Akezhan Kazhegeldin remains in exile. Additionally, the Prime Minister of Kazakhstan recently admitted that more than one billion dollars of Kazakh public monies had been transferred to off-shore bank accounts in President Nazarbayev's name.

President Nazarbayev's family owns and controls all major media outlets in Kazakhstan including television, radio and newspapers. The independent media in Kazakhstan, which used to be fairly free, has been pressured, co-opted, or crushed, leaving few outlets for the expression of independent or opposition views, thus limiting the press's ability to criticize or comment on the President's campaign to remain in office indefinitely or on high-level corruption.

I urge this Administration to make a more concerted and stronger effort to raise with President Nazarbayev at every opportunity, the concern about serious violations of human rights, including noncompliance with Organization for Security and Cooperation in Europe (OSCE) commitments on democracy and rule of law. Kazakhstan needs to come into compliance with OSCE commitments on human rights, democracy, and the rule of law, specifically the holding of free and fair elections that do not exclude genuine challengers, to permit independent and opposition parties and candidates to participate on an equal basis with representation in election commissions at all levels, and to allow domestic nongovernmental and political party observers, as well as international observers.

I also encourage the Administration to raise with the governments of other OSCE participating states the possible implications for OSCE participation of any participating state in the region that engages in clear, gross, and uncorrected violations of its OSCE commitments on human rights, democracy, and the rule of law. To that end, Voice of America and Radio Liberty should expand broadcasting to Central Asia especially into Kazakhstan, as needed, with a focus on assuring that the peoples of the region have access to unbiased news and programs that support respect for human rights and the establishment of democracy and the rule of law.

## ON THE ACCOMPLISHMENTS OF JO ANN SHAPIRO

**HON. ANTHONY D. WEINER**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 23, 2002*

Mr. WEINER. Mr. Speaker, permit me to pay tribute to an individual who has dedicated her life to helping others. Jon Ann Shapiro has been a civic leader for most of her adult life and has lived her life by the axiom "Help people. Help those without a voice. Help those who no one else would have the compassion to assist." Honored Tuesday in New York Newsday's Queens Profile for her work with the local chapter of the American Cancer Society, the Kiwanis Club and other community and political organizations, she has helped improve the quality of life of my constituents in the Rockaways, Broad Channel, Howard Beach and Ozone Park. Last year, as chairwoman of the annual Relay for Life event, she helped raise \$70,000 for cancer research. In her capacity as chief of staff to Assemblywoman Pheffer, she has further dedicated herself to serving the community, and helping constituents in need of assistance. I rise today to thank Jo Ann and congratulate her for her many accomplishments.

Mr. Speaker, allow me to submit for the RECORD Tuesday's New York Newsday's

Queens Profile which further details Jo Ann's many contributions to our community.

[From New York Newsday, May 21, 2002]

NEWSDAY QUEENS PROFILE—JO ANN SHAPIRO  
(Sheila McKenna)

Role—Chief of staff for Assemblywoman Audrey Pheffer (D-Rockaway Beach); chairwoman for the American Cancer Society's Relay for Life, June 8-9 at Beach Channel High School; past president of Kiwanis Club of Rockaway; member of St. Rose of Lima R.C. Church in Rockaway Beach.

Biography—42; native of Plainview, L.I., graduate of SUNY-Old Westbury, changed careers from a paraprofessional for the Board of Education to work for Pheffer, a longtime friend, in 1987; single and has lived in a co-op in Rockaway Beach two years.

Impact—"Ultimately, the goal of the event is to raise money, but it is secondary to what we accomplish in terms of bringing a community together. Relay for Life is really a celebration of those who are currently battling cancer—those who have been successful in their fight against cancer—and in recognition and remembrance of those who have not been successful."

Current Focus—"Relay for Life is an overnight event, and we ask that participants give up one night of sleep. Cancer is a disease that never sleeps, and we ask that for one night, people join us, and if they can't do that, they join us for as much as they want. It's kind of an outdoor pajama party, people bring tents and camp. It's a big sleepover party with games, music, entertainment, scavenger hunt, we even have movies at midnight. This is our second annual event in Rockaway—last year, we raised \$70,000."

Why She's Involved—"American Cancer Society's goal is to eliminate cancer as a health care concern for the people of the United States. How could I not be a part of something like that? For information, call 1-800-ACS-2345."

## TRIBUTE TO DR. GEORGE RUPP

**HON. CHARLES B. RANGEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 23, 2002*

Mr. RANGEL. Mr. Speaker, I rise today to honor my friend, Dr. George Rupp, who is retiring on May 31 after 9 years of service as the 18th president of Columbia University.

Under Dr. Rupp's leadership, Columbia's long history as one of the nation's leading institutions of higher learning has been successfully extended into the 21st century. Columbia has thrived over the past decade. The accomplishments of its scholars and researchers have soared, as has its endowment. So, too, have the numbers of applicants to its college and many graduate and professional programs. The Columbia community is one of the greatest concentrations of talent and energy in the country, and helps keep New York at the center of the world's intellectual life.

Dr. Rupp's legacy will be measured, above all, by the University's significant and lasting impact on the community around it. Not once has he thought that his responsibilities stopped at the gates to campus. During Dr. Rupp's leadership, Columbia's remarkable pool of talent and energy has been increasingly directed to the duties of good citizenship.

Dr. Rupp has been a particularly forceful and innovative supporter of the University's efforts to address the disparities in opportunity

afflicting the areas around it. The University has actively worked to foster economic growth in its neighborhood and has leveraged millions of dollars for community services. It has proven to be an engine of high-tech growth and innovation, translating the scientific advances of its researchers into scores of valuable technologies and a number of start-up firms within New York. Importantly, it has opened the first biomedical research and development park in New York City, a facility which is a keystone to the future of the biomedical enterprise in the region.

Columbia's impact on the economic life of the City extends far beyond high technology. The third largest employer in the City, Columbia became the first non-profit in New York to institutionalize hiring goals on its major construction projects for minorities, women and local residents of the Upper Manhattan Empowerment Zone, UMEZ. Under Dr. Rupp, Columbia actively encouraged the purchase of goods and services from local vendors by the University, its faculty and staff. The University also created a program to offer "forgivable" loans to employees as incentives for homebuying within the Empowerment Zone.

Under Dr. Rupp's leadership, Columbia's relationship with the Empowerment Zone epitomized the University's partnership with the Upper Manhattan community. Empowerment Zone residents are assisted in obtaining jobs at the University through the Morningside Heights Area Alliance's Job Connections program. Dr. Rupp has encouraged all of the University's divisions and departments to provide technological support for local projects and oversaw the establishment of the Urban Technical Assistance Program to provide urban planning assistance to community groups in northern Manhattan. Columbia policy experts played a leading role in the UMEZ's initial proposal and later development, and have continued to provide ongoing technical support to what has emerged as a powerful example of the success of public-private partnerships.

Dr. Rupp has worked tirelessly to make Columbia a good neighbor, involving the community in University decisions that impact them, and encouraging consultation with the community on the design of new University construction projects, on and off campus. In recent years, the University has enhanced its support of the community in other ways, increasing its sponsorship of neighborhood sports teams, and making available space in university facilities for use by community groups and elected officials. The University has strengthened its links to public schools in the area through a number of initiatives, including faculty development and training programs to prepare teachers for certification examinations.

The number of the University's neighbors that have been helped through its service programs has also greatly increased under Dr. Rupp, who has directed the creation of a wide array of initiatives to benefit Morningside Heights, Harlem and Washington Heights.

Columbia now administers academic, professional and service programs that assist thousands of Upper Manhattan residents, school children and businesses. Hundreds of adults have had their skills and employment potential enhanced through a range of educational programs, including computer training, and GED and ESL classes. Thousands of needy individuals and families have been provided with hot meals. And, under the "Power

Lunch" program, neighborhood elementary school students are paired with Columbia students for mentoring and reading.

Dr. Rupp's tenure at Columbia was characterized by its sensitivity, spirit of cooperation and commitment to the growth and well-being of the Upper Manhattan community. An ordained Presbyterian minister and a religious scholar, Dr. Rupp has helped create a climate of service, on and off campus, for its students, faculty and staff that was recognized and appreciated by the community. His tenure will serve as a model for the future. He will be deeply missed, and I wish him all the best.

CONFERENCE REPORT ON H.R. 3448,  
PUBLIC HEALTH SECURITY AND  
BIOTERRORISM PREPAREDNESS  
AND RESPONSE ACT OF 2002

SPEECH OF

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 2002

Mr. DINGELL. Mr. Speaker, I would like to provide a further explanation of various provisions of H.R. 3448, the Public Health Security and Bioterrorism Response Act of 2002.

TITLE I

Title I of the Act addresses planning, preparation, prevention, and response to acts of bioterrorism and other public health emergencies. As such, many of the programs will have a dual use. They will benefit the fight against terrorism and at the same time support our basic public health infrastructure. The bill will provide needed resources needed by first responders such as hospitals, health care personnel, public health systems, and others. The basic structure for providing these resources is through grants to eligible entities.

One grant program will provide funds to eligible entities including states, political subdivisions of states or consortia of two or more such subdivisions. Another grant program will provide resources to eligible entities consisting of hospitals, clinics, health centers, or primary care facilities and various combinations of states or political subdivisions of states. The conference agreement is a compromise between distinctly different approaches in the Senate and House bills, plus a need to coordinate with the Administration's existing grant programs so that resources that will flow to states and first responders in FY 2002 and FY 2003 are not delayed, diminished, or denied.

In basic terms, the grants are based on a bioterrorism preparedness and response plan that is supposed to include public input and that include criteria for evaluation of the performance of entities that receive funds to assure that they meet benchmarks in the plan. In sum, the bill is designed to provide flexibility and accountability with respect to the use of funds.

The Department of Health and Human Services (HHS) also has flexibility in designating priorities for use of grant funds. Currently the priority is on bioterrorism or acute outbreaks of infectious disease, then other public health threats and emergencies. The priorities provide accountability and the Secretary's ability to modify these priorities allows flexibility in matching scarce resources to needs that vary around the country.

A hallmark of the agreement is its emphasis on planning and coordination among various federal agencies and in turn federal coordination with state of local entities. Another key feature throughout is the use of advisory committees and other means of utilizing public and private sector expertise.

One of the most important federal agencies with responsibility for fighting bioterrorism is the Centers for Disease Control and Prevention (CDC). The agreement acknowledges CDC's essential role in defending against and combating public health threats. It will provide resources for secure and modern facilities, and expanded and improved capabilities related to bioterrorism and other public health emergencies.

In addition to grants, the agreement authorizes a variety of specific activities. These include education of health care personnel with respect to recognition and identification of potential bioweapons, for care of victims, and to recognize the special needs of children and other vulnerable populations. The bill also authorizes resources for the purpose of education and training in any category of health professions for which there is a shortage that the Secretary determines should be alleviated in order to prepare or respond to bioterrorism and other public health emergencies.

The bill also directs research on antimicrobial resistance and other issues with respect to priority pathogens. The bill provides for limited Medicare and Medicaid waivers in appropriate circumstances, basically when providers respond to an emergency.

Another key feature of Title I is the Strategic National Stockpile. This consists of drugs, devices, vaccines, and other products the Secretary determines to be appropriate and practicable, taking into account other sources, to provide for the emergency health security of the United States. Specific reference to the needs of children and other vulnerable populations is included.

The bill also accelerates research and approval of priority countermeasures, establishes a process for evaluation of new and emerging technologies regarding bioterrorist attack, and strengthens programs to address health issues associated with nuclear facilities.

TITLE II

Title II of the Act addresses select agents or hazardous biomaterials and the rules applicable to person with access to them. This provision addresses an area of great concern by increasing accountability for the storage and use of deadly materials and with respect to who has access to them.

Title II requires that all persons, including state and local governmental entities and universities, that have access to select agents and toxins, undergo a screening review to determine if they are restricted persons under the PATRIOT USA Act or are suspected of being a terrorist, being affiliated with a terrorist organization, or are a foreign agent of a country attempting to covertly obtain information.

The screening process is not expected to encompass the complex investigation that would occur prior to issuance of a security clearance, but to be similar to the check for prospective gun owners in its use of electronic databases. It will be carried out by the Department of Justice and limited to using appropriate electronic databases available to the government for this purpose to determine if the persons or individuals being screened are

listed in those databases. This would guarantee both a timely response so that research is not delayed and prevent the use of non-credible, unsubstantiated information. The Conference Report states, however, that other databases or "files" may be used by the Attorney General "to clarify or confirm information obtained during the electronic database search." The Privacy Act establishes the requirement that agencies maintain records on individuals with "such accuracy, relevance, timeliness, and completeness as is reasonably necessary to assure fairness: and to "make reasonable efforts" before the dissemination of information about individuals to assure that such records are accurate, complete, timely, and relevant for agency purposes." 5 U.S.C. 552a. It is not the purpose of this provision to permit the Attorney General to do extensive individual investigations or use non-credible, unsubstantiated information that may be contained in those other "files" to deny persons or individuals access to select agents.

Title 11 requires the same screening for non-federal entities, including corporations, public and private universities, and all state and local entities, including public health departments, that may possess select agents. It is expected that both the Department of Health and Human Services and the Department of Agriculture will use common sense in determining the level of screening it will require for universities, drug manufacturers, or others to avoid unnecessary paperwork and delays.

Title 11 also contains exemptions from disclosure under the Freedom of Information Act for the registration documents, the national database compiling the information in the database, and the location (including the name of the registrant) and identification of select agents if contained in inspection reports or notifications of theft, loss, and releases outside of the bio-containment area of a facility. The purpose of these provisions is to protect site-specific information about these agents from being publicly available. It is not expected, however, that federal agencies will use the exemption to keep information that has public health implications from relevant nonfederal parties and the public, particularly if it is already publicly known. For example, there has been extensive media attention to the possible use of anthrax from the U.S. Army's laboratory at Fort Detrick, Maryland, in the attack last fall. It has been known for many years that anthrax spores were located at Fort Detrick. It is also known that the remaining smallpox virus in the United States is held by the Centers for Disease Control and Prevention. Releases of select agents from these and other facilities may have significant public health implications. An alert public may be the best method by which exposure to a select agent can be determined. Responses should not be delayed by federal agencies interpreting these FOIA exemptions too broadly.

#### TITLE III

Title III of the Act deals primarily with food safety, particularly with respect to imported food. The Act has increased the ability of authorities to obtain greater assurances that food that is shipped into this country does not become an instrumentality of terrorism due to tampering. Four provisions, in particular, warrant further comment.

##### PRIOR NOTICE OF FOOD IMPORTATION

Section 307 requires the Secretary of Health and Human Services to promulgate regula-

tions that establish a period of time in which prior notice of food importations must be provided to HHS. This period of time cannot exceed five days and must be sufficient in length for the Secretary to receive, review, and appropriately respond to such notices. The Secretary may consider many different factors in establishing this period of time, however, the Secretary's responsibility to the American people, as mandated by Congress herein, to "receive, review, and appropriately respond" to these notices is absolute. Since the Secretary will be held accountable for the proper discharge of this important new responsibility, the rule should duly consider this obligation and establish an ample period of time under which that obligation can be discharged.

##### "CREDIBLE EVIDENCE OR INFORMATION INDICATING"

Throughout this subtitle, the "credible evidence or information indicating" standard is used for various purposes. This standard should be interpreted broadly. The use of the conjunction "or" indicates that either credible evidence, or alternatively, information is sufficient to satisfy this standard. Accordingly, the standard could be read as "credible information or evidence indicating a threat". Moreover, any credible evidence or information only has to "indicate," not prove, that a threat exists. For example, if upon investigation, examination or inspection, FDA only has information that indicates a shipment of food presents a threat of serious adverse health consequences, it may invoke its administrative detention authority. FDA is never required to have traditional "credible evidence" to trigger this standard.

##### EXPLANATION OF TEMPORARY HOLD

Under this bill, the Secretary must possess credible evidence or information indicating that a specific shipment or article of food presents a serious health threat to exercise his full detention authority. The bill, however, establishes a broader, less stringent standard for the Secretary to exercise a more limited temporary hold authority. Under the temporary hold provision, the Secretary need only have credible evidence or information indicating that an article of food, not a specific article of food, presents a serious health threat. If, for example, the FDA is in possession of credible evidence or information indicating that a category of food or food from a certain geographical region presents such a threat, the Secretary may use this authority to temporarily hold shipments or articles of food (up to 24 hours) based on that information. This will enable the Secretary to appropriately dispatch FDA resources to gather credible evidence or information (based upon FDA inspection, examination or investigation) about specific shipments or articles of food. Once FDA has such evidence or information, the Secretary may then detain any such shipments or articles of food under the detention authority (up to 30 days). The temporary hold authority is intended to function as an investigative tool that enables FDA to use its detention authority more effectively. Accordingly, the circumstances under which temporary hold authority can be invoked are broader than those under which detention authority can be invoked.

##### REGISTRATION OF FOREIGN FACILITIES

Section 305 requires foreign facilities to register with the Secretary of Health and Human Services if they manufacture, process, pack, or hold food that is exported to the United

States without further processing or packaging. The provision clarifies that the addition of labeling, or other similar activities of a de minimis nature, may not be considered to be "further processing or packaging" for purposes of this section. This language was included to ensure that all facilities from the point of exportation back to the true foreign processor or packer would be required to register. Many Conferees were concerned that activities conducted immediately prior to exportation could be considered processing or packaging, even if such activities did not alter or affect the food. If that occurred, then that facility would be the only foreign facility in the chain of custody to register. The "other similar activities of a de minimis nature" language was added to address these concerns.

#### TITLE IV

Title IV adds a new Section 1433 to the Safe Drinking Water Act that requires community water systems to conduct and complete vulnerability assessments and prepare or revise emergency response plans. These new requirements become requirements of the Safe Drinking Water Act.

The conference agreement requires that a written copy of the vulnerability assessment be submitted to the Administrator. This will ensure that the vulnerability assessments meet the requirements of Section 1433 and that EPA will have the necessary information to determine whether action needs to be taken using the authority of Section 1431 or other relevant authorities to ensure that significant vulnerabilities are addressed to protect the public.

The conference agreement takes a number of measures to protect the copies of the vulnerability assessments submitted to the EPA from unauthorized disclosure. The Administrator, however, may use and disclose the assessment, or information derived therefrom, to any individual, whether a private citizen or government employee, as designated by the Administrator, for the purposes of Section 1445, to take any action under the authority of Section 1431 or for use in any administrative or judicial proceeding to impose a penalty for failure to comply with Section 1433.

In addition, the Administrator is expected to review the vulnerability assessments when providing financial assistance for basic security enhancements or to address significant threats to public health and the supply of drinking water. The agency continues to have available and may use its inspection and enforcement authorities under the Safe Drinking Water Act with respect to community water systems.

The bill also amends Section 1431 of the Safe Drinking Water Act to provide new authority to the Administrator to take actions to assure the safety of the public and protect supplies of drinking water in circumstances of a threatened or potential terrorist attack or other intentional act at a community water system.

Administrator Whitman has informed the Congress by letter dated April 22, 2002, that the EPA has already begun working with states and local utilities to assess the vulnerability of the Nation's public water systems to attack or other intentional acts. Further, the Administrator has stated that the new language amending Section 1431 "provides EPA with adequate authority to respond in situations involving significant vulnerability."

The term "potential terrorist attack" should be interpreted in the context of the President's announcements that the United States is engaged in a war against terrorism and faces "continuing and immediate threats of further attacks." Senior government officials have repeatedly warned that critical infrastructure facilities should remain on a high state of alert due to the possibility of a terrorist attack. Critical infrastructure protection is an issue of importance to economic and national security. Presidential Decision Directive 63 released in May 1998 identified water supply as one of the 12 areas critical to the functioning of the country.

Where the Administrator receives information that critical community water system infrastructures, such as a utility pumping system or chemical storage tanks, are vulnerable to potential terrorist attack that may present an imminent and substantial endangerment, he or she may use the authority provided by Section 1431 to protect the health and safety of the public or prevent the disruption of drinking water supplies.

## TITLE V

The Conference was able to resolve all outstanding issues regarding the reauthorization of the Prescription Drug User Fee Act (PDUFA). Reauthorizing PDUFA at this time was necessary to prevent a possible exodus of doctors and other very experienced medical officers at the FDA in anticipation of layoffs that will now be avoided. The Office of Drug Safety, an FDA function long neglected, was given \$76 million in new user fee monies and at least \$10 million in new appropriated monies to monitor adverse events and post market studies associated with the expedited approval process for drugs and biologics. Also, for fast track drugs, doctors are to be notified if mandated post market studies are not completed in a timely manner.

THE 30TH ANNIVERSARY OF THE  
CITY OF BURTON

## HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 23, 2002*

Mr. KILDEE. Mr. Speaker, I rise today to commemorate the 30th anniversary of the City of Burton. Festivities will be held on Memorial Day to honor the city upon its 30th anniversary.

Originally organized as a township in 1856 the area was named after John Burton, a prominent local farmer. It had grown out of the Atherton Settlement founded by Shubael and Persus Atherton in 1829. Over the years the area gained population and changed from an agricultural community to a thriving suburban community. In 1971, then township supervisor Joseph Uvick and other township leaders made the decision to seek city status for the area. The township residents voted on May 16, 1972 to incorporate as a city and the referendum passed by 25 votes. The city was officially formed later that year.

In 1829 there were a handful of residents living in the Atherton Settlement. The 2000 Census recorded over 30,000 people living in the City of Burton. To keep pace the city government had to expand. The Police Department has grown from 20 part time officers to

41 full time police officers who conduct community and school policing, the DARE program and advise block groups about crime prevention, in addition to their regular duties. The Fire Department, while maintaining the volunteer spirit, requires the firefighters to go through hours of rigorous training and serves the city from three fire stations. The park system includes an outdoor area with a 40-acre facility, containing a lake, nature trails, a picnic pavilion, and a newly asphalted bike path. In addition to this facility there is a 380-acre nature preserve and education center. The Department of Public Works, the City Clerk's office and the Treasurer's office have also grown to meet the needs of Burton's residents. The city boasts of two libraries and three school districts.

Under the leadership of Mayor Charles Smiley, the veterans of Burton dedicated a memorial on May 26, 1997 to honor those who died in combat. This has become a proud addition to the city and testament to the spirit and generosity of its citizens. Burton has prospered into the city it is today through the hard work of its leaders, civic employees and residents.

Mr. Speaker, I ask the House of Representatives to join me in congratulating the City of Burton on celebrating its 30th anniversary. I am very proud to be able to represent the City of Burton in Congress.

FEDERAL ELECTION IN AMERICAN  
SAMOA

## HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 23, 2002*

Mr. FALEOMAVAEGA. Mr. Speaker, after consultation with the local leaders of the American Samoa Government and to address the concerns of active duty military members whose home of residence is American Samoa, I rise today to introduce legislation to provide that active duty members of the military be able to fully participate in Federal elections in American Samoa by providing that the office of the Delegate from American Samoa to the United States House of Representatives shall be elected by a plurality of the votes cast.

Since 1977, active-duty service members serving overseas or on the United States mainland have been excluded from fully participating and voting in both general and runoff Federal elections in American Samoa due to several factors, including local law that requires active duty military members to register in person, limited air and mail service between the United States mainland and American Samoa, and delays in the preparation of new ballots in the case of runoff elections.

Despite notice that American Samoa law requiring uniformed and overseas voters to register to vote in person is contrary to the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.), American Samoa has not addressed this discrepancy between Federal and territorial law. Therefore, it is necessary to take additional action to ensure that the votes of active-duty service members are counted in Federal elections conducted in American Samoa.

Mr. Speaker, it is also true that since 1980, when the first election for the Congressional

Delegate from American Samoa was held, general elections have been held in the first week of November in even-numbered years and run-off elections have been held 2 weeks later. This practice of holding a run-off election two weeks after a general election is outdated, outmoded, and deprives active duty service members of the opportunity to participate in the Federal election process in American Samoa.

Prior to and since September 11, 2001, it remains impossible for absentee ballots to be prepared and returned during a 2-week time period and, as a result, active duty members continue to be deprived the right to vote in American Samoa.

Mr. Speaker, to the best of my knowledge, 49 states elect their Representatives to the United States House of Representatives by plurality and it is in the national interest and in the interest of active duty service members for American Samoa to do the same.

I urge my colleagues to support this legislation and I thank you for your consideration.

## HONORING NIKI DE SAINT PHALLE

## HON. SUSAN DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 23, 2002*

Mrs. DAVIS of California. Mr. Speaker, I rise to honor the memory of Niki de Saint Phalle, a vibrant lady and an artist whose sculpture has made many areas of San Diego as well as the world more lively and imaginative.

In 1983, her sculpture "Sun God", a bird soaring from 29 feet above the ground, inaugurated the sculpture garden on the campus of the University of California San Diego.

In 1998, children and adults flocked to Balboa Park to enjoy her creative menagerie of larger than life creatures—elephants, camels, and spiders all composed of brightly colored mosaics and stones. Although most of them were eventually transferred to their intended home, a "Noah's Ark" art park in Jerusalem, some have remained to grace our park.

Last October, the city unveiled a work by Niki de Saint Phalle, which was commissioned by the San Diego Unified Port District. The work titled "Coming Together" is a 37-foot-tall metal, ceramic and glass sculpture created in brilliant colors, which resembles two faces joined cheek to cheek.

I had the wonderful opportunity to talk with Niki several times both in her studio and as we toured a park in Mid-City for which I had hoped we would be able to commission her work. In the process, we visited a neighboring school where the children recalled seeing her animal sculptures in Balboa Park and responded eagerly with questions. She took great pleasure in having reached this enthusiastic young audience.

While Ms. de Saint Phalle was born in France of French and American parents, we are fortunate that a career that spanned international sites for her major works—a kinetic fountain in Paris, the Tarot Garden sculpture park in Tuscany, and The Sprengel Museum in Hanover, Germany—ultimately brought her to make her home in La Jolla and to make her later works available to our community.

As a self-taught artist, Niki de Saint Phalle is a wonderful role model for those who have

a spirit, a dream, and the inspiration to express themselves innovatively. She celebrated women's freedom and power in her monumental works. Her generosity and spirit graced San Diego, and she will be missed.

#### NATIONAL STROKE AWARENESS MONTH

#### HON. RONNIE SHOWS

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 23, 2002*

Mr. SHOWS. Mr. Speaker, I rise today to request my Colleagues join me in recognizing May as National Stroke Awareness Month.

Like most Americans, I have seen first hand the devastating effects of strokes. My own mother-in-law suffered a series of debilitating strokes, which left her speechless and severely weakened. She passed away last year, unable to communicate with her family and friends who had loved her for so long.

The statistics on strokes are staggering. Every 53 seconds, someone in America has a stroke. About 600,000 Americans will have a stroke this year and 160,000 of them will die. Furthermore, stroke is our nation's No. 3 killer and is a leading cause of severe, long-term disability. Stroke kills twice as many women as breast cancer each year.

It is critical that we raise awareness so that our family and friends do not ignore the warning signs for stroke. Too often, our natural inclination is to ignore troublesome ailments and hope that they'll go away. Unfortunately, by trying to "sleep it off", people lose valuable time when doctors can be treating their stroke. Every second counts.

We need to make it a matter of course to know that numbness or weakness of the face, arm or leg, especially on one side of the body are serious warning signs for strokes. Sudden confusion, trouble speaking or understanding, trouble seeing in one or both eyes, trouble walking, dizziness, loss of balance or coordination and severe headache with no known cause are also ailments to be carefully considered.

I am proud to stand with 173 of my colleagues in the House of Representatives in strong support of H.R. 3431, the Stroke Treatment and Ongoing Prevention Act. This important legislation will provide programs for the prevention, treatment, and rehabilitation of strokes. Stroke is No Joke. We must act on this legislation today.

#### TRIBUTE TO W.J. (JERRY) SANDERS III ON THE OCCASION OF HIS RETIREMENT FROM ADVANCED MICRO DEVICES, INC.

#### HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 23, 2002*

Ms. ESHOO. Mr. Speaker, I rise today to honor a distinguished American, a proud Californian and a Silicon Valley icon, W.J. (Jerry) Sanders, III, who is retiring as Chief Executive Officer of Advanced Micro Devices, Inc. (AMD) after 33 years of leadership.

Jerry Sanders has had an extraordinary career building an extraordinary company. He

started from a modest beginning as a salesman for Motorola, then moved on to hold positions in the Engineering Department of Douglas Aircraft in sales, and in the Semiconductor Division of the Fairchild Camera and Instrument Corporation where he worked as a Sales Manager, Area Sales Manager, Department Head, Director of Marketing, and eventually, as Group Director of Marketing Worldwide from 1967 to 1969.

In 1969, Jerry Sanders left Fairchild Semiconductor to launch AMD out of the living room of one of its co-founders. Today, the Sunnyvale-based company, located in my Congressional District, is a global supplier of integrated circuits for the personal and networked computer and communications markets. Employing 14,000 people worldwide with over \$4 billion in annual revenues, AMD today is the world's second largest manufacturer of microprocessors.

Under the able stewardship of Jerry Sanders, AMD has honored its commitment to making our communities better places to live and work. Through its school partnerships, corporate giving, and employee volunteer programs, the company continues to serve as a model of corporate and civic responsibility.

Jerry Sanders has been honored with many awards, including being named the Best Chief Executive Officer in the semiconductor industry for the years 1983, 1984 and 1985 by the Wall Street Transcript. In 1991, under his leadership and guidance, AMD was named Comeback Company of the Year by Electronic Business.

Mr. Speaker, I ask my colleagues to join me in honoring Jerry Sanders for his exceptional leadership, his great determination, his sheer guts and his lasting contributions to our community, to Silicon Valley and to our nation's economy. We're a better country because of him and all he's done.

#### RECOGNITION OF NANCY GUTHRIE

#### HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 23, 2002*

Mrs. CAPITO. Mr. Speaker, I rise today in recognition of Nancy Guthrie, president and owner of Capitol City Communications, in the Second Congressional District of West Virginia. Ms. Guthrie has achieved the title of Home-Based Business Advocate of the Year. The West Virginia District of the United States Small Business Administration, a leader in the promotion and growth of our state, gives this award annually.

Ms. Guthrie began Capitol City Communications in 1996 at her home in Charleston, West Virginia, to provide public relations and advertising services. Capitol City Communications has since grown statewide. Ms. Guthrie embodies the values that created the American success story: self-reliance, hard work, perseverance and optimism. I commend her for her contributions to the West Virginia economy.

Successful small businesses not only serve as the backbone of the economy, they anchor communities and promote civic pride. I urge my colleagues to join me in celebrating Ms. Guthrie's tremendous achievement as the West Virginia Small Business Administration's Home-Based Business Advocate of the Year.

#### TRIBUTE TO VICE ADMIRAL GEORGE PETER NANOS, JR., COMNAVSEA

#### HON. JOHN E. SUNUNU

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 23, 2002*

Mr. SUNUNU. Mr. Speaker, I rise today to honor Vice Admiral George Peter Nanos, Jr., United States Navy. Vice Admiral Nanos will retire on Monday, 1 July 2002, after 35 years of faithful service to our nation.

Hailing from my hometown of Bedford, New Hampshire, Vice Admiral Nanos is a graduate of the U. S. Naval Academy. At the Academy, he was awarded the 1967 Harry E. Ward Trident Scholar's Prize. Following graduation, he spent two years at sea as Antisubmarine Warfare and Gunnery Officer on USS *Glennon* (DD 840) before entering Princeton University, where he earned a Ph.D. in physics in 1974.

Returning to sea, Vice Admiral Nanos served as Engineer Officer aboard USS *Forrest Sherman* (DD 931) and as Materiel Officer on the staff of Destroyer Squadron Ten. From 1978 to 1982, he was the manager for Technical Development in the Navy's High Energy Laser Program Office (NAVSEA PMS 405). He then served as the Combat Systems Officer in Norfolk Naval Shipyard while also training to become an Engineering Duty Officer. He returned to sea yet again as Chief Engineer for the aircraft carrier USS *America* (CV 66). While on *America*, he participated in Operation Eldorado Canyon and helped to ensure the successful launch of naval airstrikes against Libya after that country was linked to a terrorist bombing of a West Berlin discotheque, which killed 1 American and injured 78 people. Following this tour, he was assigned as the Deputy Director, Warfare Systems Engineering in the Space and Naval Warfare Systems Command.

In 1988, Vice Admiral Nanos reported to Strategic Systems Programs, serving consecutively as Head of the Navigation Branch, Head of the Missile Branch, and Director of the Technical Division. In June 1994, he assumed duties as Director, Strategic Systems Programs, responsible for all aspects of the Navy's Fleet Ballistic Missile Weapon Systems.

In May 1998, Vice Admiral Nanos assumed his rank and duties as Commander, Naval Sea Systems Command, the Navy's largest acquisition organization. Throughout the past four years, he has been responsible for the design, engineering, procurement, integration, construction, in-service support, and maintenance of the Navy's ships, shipboard weapons, and combat systems.

Vice Admiral Nanos' service education includes U.S. Naval Destroyer School at Newport, Rhode Island; Engineering Duty Officer basic and mid-career courses; the Senior Officer Ship Materiel Readiness Course at Idaho Falls, Idaho; and the Program Management Course at the Defense Systems Management College, Fort Belvoir, Virginia. His specialty as an Engineering Duty Officer is ordnance and weapons systems acquisition.

Vice Admiral Nanos successfully led the Command through a brilliant transformation of NAVSEA'S business practices in executing complex acquisition and Fleet maintenance and modernization responsibilities. He expertly

managed the resizing, recapitalizing, and realignment of the personnel and technical resources devoted to designing, building, repairing, and modernizing ships and their weapons systems. Displaying bold vision, innovation, and superb leadership, he instituted far-reaching quality initiatives that forged a highly focused, reenergized workforce. These have transformed the Command into a unified corporation that provides world-class technical, acquisition, and life-cycle support leadership to America's Navy. His contributions have had a direct and lasting impact on the overall readiness, effectiveness, and survivability of the United States Armed Forces.

Vice Admiral Nanos' superb leadership, exceptional integrity, engineering expertise, and tireless devotion to duty reflect great credit upon him and are in keeping with the highest traditions of the United States Naval Service. He has done a superb job in leading the Naval Sea Systems Command to fulfill its mission: Keeping America's Navy #1 in the World.

Although Vice Admiral Nanos has worked diligently to increase the efficiency and effectiveness of naval and marine shipbuilding capabilities throughout the United States, he has often shown his dedication to and respect for the men and women of the Portsmouth Naval Shipyard team. He recently visited the Shipyard to personally congratulate and thank the Shipyard team for their record-setting work on two submarines: A record-setting depot maintenance period on USS *Miami*, followed by a record-setting engineering refueling overhaul on USS *City of Corpus Christi*. Thanks in part to his vision, the Shipyard retains its important military-industrial capabilities and continues to provide critical jobs for the region.

Vice Admiral Nanos' innovation has ensured the success of the Naval Sea Systems Command and the United States Navy's ships well into the 21st Century. He is an individual of uncommon character and his professionalism will be sincerely missed. I am proud, Mr. Speaker, to thank him for his honorable service in the United States Navy, and to wish him fair winds and following seas as he closes his distinguished military career.

I suspect Vice Admiral Nanos will continue his adventures, and will bring much credit to his name, as well as our government and our country. He is a true American hero, and his direct contributions to our military will long be remembered with heartfelt gratitude.

#### RE-INTRODUCTION OF THE SAFE AND FAIR ENFORCEMENT AND RECALL FOR MEAT AND POULTRY ACT

#### HON. JOHN ELIAS BALDACCI

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 2002

Mr. BALDACCI. Mr. Speaker, I rise today to reintroduce the Safe and Fair Enforcement and Recall for Meat and Poultry Act—to help strengthen the protection of meat and poultry across the United States. As a member of the House Agriculture Committee, I have long been concerned about the safety of our nation's food and water supplies. My SAFER Meat and Poultry Act would expedite the removal of potentially contaminated products from store shelves and provide greater enforcement authority to protect public health.

This bill calls for more consistent and vigilant implementation of the USDA's Hazard Analysis Critical Control Point (HACCP) program. The legislation will strengthen government accountability and expedite the removal of potentially harmful meat and poultry from store shelves.

Recent reports suggest that USDA properly inspects meat-processing facilities on a daily basis less than 40 percent of the time. Further, a number of plants may have never been tested. I am pleased that the Bioterrorism legislation passed earlier this week will help to alleviate some of USDA's problems with funding plant inspections.

However, this bill to provide greater disclosure of contaminants, increased penalties for knowingly distributing tainted products, and greater authority for the Agriculture Secretary to move swiftly against facilities found to be producing harmful meat and poultry products will lead to a healthier and safer American food supply.

Furthermore, my bill will help alert Americans to the seriousness of food borne contamination, which is estimated to cause approximately 75 million illnesses, 325,000 hospitalizations and 5,000 deaths per year.

Mr. Speaker, given the new and emerging threats to public health and our national security, we must be vigilant in safeguarding our national food supply.

I am pleased to be reintroducing this important legislation, and I strongly urge my colleagues to support it.

#### A MEMORIAL DAY MESSAGE—A TRIBUTE TO OUR BRAVE SERVICEMEN AND WOMEN

#### HON. ANDER CRENSHAW

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 2002

Mr. CRENSHAW. Mr. Speaker, I wanted to share some thoughts with you today as the nation pauses to honor the men and women who fought and died to preserve our freedom. It is an especially meaningful Memorial Day as we so recently were reminded of the great country that we live in and the burden that goes with protecting our freedoms.

Today, our military is fighting a new kind of war. A war not against a country but against an ideology that would try to destroy the liberties that we have come to enjoy. It is a war fought differently. It is a war fought with new technology in a land that is very old world. It is a war that has Forward Air Controllers riding horseback and calling in strikes from laptop computers. It is a war being fought from our ships stationed 700 miles from targets. It is a war that utilizes B-52s for precision targeting, but it is also a war that calls for our troops to go from cave to cave to seek out the enemy. It is a war whose enemy is difficult to identify. It may be a different kind of war, but war always brings casualties—and this war is no exception.

September 11, 2001, gave us a wake-up call on our own soil not felt since Pearl Harbor. This time the victims were not just sailors and other military personnel. This time the victims were secretaries, clerks, stockbrokers, office workers, and lots and lots of firefighters. These victims, like our military troops, were fa-

thers, sons, mothers, daughters, aunts and uncles. Some died while performing heroic acts, but most were just ordinary people who perished during a brutal act of war.

So this year, as we remember our war heroes, let us say a prayer for our newest casualties. Let us make room in our hearts for these new recruits to the battle for freedom and peace.

But make no mistake; it will be the military that will shoulder the responsibility of trying to protect us against another attack. It will be our uniformed troops who will serve in distant lands, who will miss their children's graduations and birthdays, who will not be home for Christmas. And, as in the past, they will go into harm's way unafraid and with the determination that draws strength from those who fought and died before them.

I thank you for your service to our country and to your fellow comrades, especially those who paid the ultimate sacrifice. I thank you for the leadership you have shown as you have lived your lives as stalwart soldiers in America's role as freedom's beacon. The young men and women serving today are fighting a new kind of war. But it will take the same type of soldier America has always produced—a soldier, like you, who is willing to put aside self interests for the good of the country. A soldier, like those we honor today, who is willing to die for those ideals.

Thank you for all that you have done for your country and for the memory of those who are no longer with us.

#### ESSAY CONTEST WINNERS

#### HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 2002

Mr. HYDE. Mr. Speaker, every year in my district, I ask students in grades 8th and 12th to participate in an essay contest. This year's contest focused on the events of September 11, 2001, and how they shaped our Nation. Specifically, this year's essay question was as follows: "September 11, 2001, was a shock felt around the world. Our country was attacked by suicidal, fanatic terrorists. It must be our resolve to protect America. Eternal vigilance is the price of liberty. How can our government protect us at home and abroad?"

I am pleased that so many students chose to enter this essay contest. Unfortunately, however, there can only be one winner in each group: 8th grade and 12th grade. This year's 8th grade winner was Melissa DeLeo from Chicago. She attends Mary, Seat of Wisdom School in Park Ridge, IL. The 12th grade winner was Karen Differ from Niles, IL. She attends Maine Township High School South in Park Ridge, IL.

Ms. DeLeo's untitled essay is as follows:

I have been taught that America stands for freedom, equality, liberty and justice for all. I believe this even now more than ever before. This is our America, the America that many men and women fought for, the America that is the land of opportunities and my America, the America where I have the opportunity to write this essay with my right of freedom of speech. Our America was attacked, but there are ways that our government and we, the American people, can protect ourselves. I think that there are three



main areas of concern. These three areas are: the coordinating all of the government agencies with sharing information, our readiness for the possibility of future attacks and granting aide to those nations that support us in our effort against terrorism.

The first way I think we can better protect ourselves is with the coordination of all of the government agencies. This cooperation must inform the public not only of possible attacks but also with instructions of how to react and what we should be doing to help with security during these times. Then the government agencies must introduce a new form of coordination applied to the use of their planning, communication and organizations. Such as compatible computer files and disks accessed by the computers shared by the organizations and government agencies. This way we would all have access to the same information and the same amount of details to make the operation, as a whole, a bigger success. By coordinating all of the government agencies, none of these details or important information will be missed or overlooked. Also, by keeping the American people well informed we would be able to know where our help and our financial aide are needed.

The second way I think we can better protect ourselves is readiness for the possibility of future attacks. This means greater airport security, matching every bag in the airport to a person, patrolling the American borders and the careful consideration of all the information gathered. This may mean longer lines in the airport, more hours of intense labor for the airport and police officials and more of our budget will be consumed by the Army and government agencies. Even though these difficulties may occur, I'm sure that people would understand it is for our safety and security. Also, I think many would believe that waiting in a line for one hour instead of a half of an hour would be worth it knowing that we are going to be better protected and safe.

The third way I think that we can better protect ourselves is by giving aide to the nations that support us. This means that we should send supplies and financial assistance to the nations that are wholeheartedly joining the effort against terrorism in the world. This will help them to continue their effort and this will also inspire other nations to join the effort against terrorism. This will show the terrorists that the United States of America and many other nations are willing and able to stand up and put an end to their intimidation and terrorism on the world. Only then we could put an end to all of this tragedy that has happened for no reason at all. Then by getting more nations involved they would be able to contribute their different areas of knowledge so that we could better see the different aspects of the situation and all of the possibilities of security and planning. Also if every nation tried to eliminate the terrorism located in their areas of the world that would be one step at a time to helping to end all terrorism.

Therefore, the three main areas of concern that I think we should focus on are: coordinating all of the government agencies with sharing information; readiness for the possibility of future attacks; and granting aide to the nations that support us. These are some of the ways that would give us a start on ridding the world of terrorism and making the world a safer, more peaceful and happier place.

I am an eighth grader that already has many hopes, dreams and goals for the future. When the Sept. 11 tragedy occurred, many people thought our nation would be divided. They were wrong. Our nation really put the phrase, "United States of America" into action. People bonded together like no Amer-

ican has ever seen before. All Americans showed respect, love and compassion for each other which once was hidden by greed and selfishness, and now was shown through love, helpfulness and courage. We, or at least I, now have a deeper understanding of the meaning of the great and amazing value of life, and now try to live every day to the fullest. Our nation has learned that what before each person thought of as their own dream can only be reached when we work together and help one another feel the support and strength of the true United States of America. We are Americans and UNITED we STAND FOREVER.

Ms. Differ's essay, entitled "Protection from Within," is as follows:

Right now the United States government is revisiting a question that dates back to the writing of the Constitution—what role should the government play in protecting its citizens? The events of Sept. 11th have made it apparent that the current role of the government no longer ensures national security. So what changes should the government make in order to protect its citizens? This question is very difficult to answer because the government needs to safeguard its citizens from those wishing to inflict harm upon the United States and it also needs to ensure citizens their constitutional rights. While the government of the United States serves to uphold constitutional rights, lead, and protect the people of America, the true strength of the United States of America is found in its people. Since Sept. 11th United States citizens have further demonstrated their commitment to the freedoms and principles the United States is based upon through tremendous waves of patriotism and selfless giving. The United States government's greatest defense in stopping terrorism and protecting its citizens is found in utilizing the resource of its citizens. By creating greater channels of communication between government security agencies and common citizens while also working to monitor possible security threats, the United States government would be able to implement a greater degree of security domestically, nationally, and internationally.

The United States government can protect its residents by drawing upon the knowledge of citizens through a network of security agencies. One of the most effective ways to eradicate crime in a community is through a neighborhood watch program. A neighborhood watch program helps to provide a sense of community in a neighborhood and teaches people to look out for one another. A neighborhood watch also sends the message to criminals in a community that violence and crime are not tolerated. This same type of approach needs to be taken with domestic security. United States citizens need to work together at the local level to spot suspicious activity and possible security threats within their own communities. After all, no one knows better than the resident of a community when something just does not seem right. One way the government could utilize the power of the "neighborhood watch" is through greater channels of communication with individual communities. The government could create a free flow of voluntary security information by creating a network of local government security agencies and making them very accessible to citizens. This national network of local government security agencies would be in conjunction with local police departments and promote the principles of a neighborhood watch. Like police officers, the security agents would be trained in dealing with suspicious behavior and in handling terrorist activity. However, these agents would serve more as mediators in a community and informants to national

government security agencies and less as patrolmen. Local security agencies would also have the function of securing public places that could pose specific threats if accessed by the wrong people, like nuclear power plants and airports. Agents could make sure that proper security procedures are taking place in these institutions and could notify national security agencies if something were to go wrong. Local agents would also be responsible for making sure that all visa information for visitors in the United States in their assigned community is kept up-to-date and is legal. If security threats are stopped at a local level there will be a great reduction of security threats at the national level.

In addition to protecting its citizens domestically, the United States government needs to protect its citizens internationally. While creating local neighborhood programs, the United States government could also use the same ideology to create a "national neighborhood watch". This watch would consist of countries devoted to stopping terrorism and providing protection of freedom to all of the world's people. The national neighborhood watch could be formed as a committee through an existing organization that promotes peace—the United Nations. Through the United Nations the world neighborhood committee could effectively monitor possible international security threats and send the message to rouge nations that criminal behavior and terror will not be tolerated in the world community. By forming bonds with other nations committed to the same security goals as the United States, the national neighborhood watch could peacefully identify and stop harmful terrorist activity before it is executed.

Since Sept. 11th every single American has been robbed of the peace and security that once characterized the United States of America. The only way to reclaim our security is through hard work and cooperation with our neighbors and with our government. We need to look out for our neighbors and assist them when they are in need. We need to report activity that "just doesn't seem right." It is our responsibility as the American people and the American government to work together with the world community to restore the peace felt before Sept. 11, 2001. After all, if we as Americans let the terrorists rob us of our peace and security then they have won.

## PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 2002

Mr. BECERRA. Mr. Speaker, on Wednesday, May 22, 2002, and Thursday, May 23, 2002, I was unavoidably detained, and therefore unable to cast my floor vote on two procedural votes. The votes I missed include rollcall votes 196 and 197, both Motions that the Committee Rise on the 2002 Supplemental Appropriations Act for Further Recovery from and Response to Terrorist Attacks on the United States.

Had I been present for the votes, I would have voted "aye" on rollcall votes 196 and 197.

DONALD R. SANDOR: TEACHING  
GOD'S MESSAGE FOR 26 YEARS

**HON. JAMES A. BARCIA**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 23, 2002*

Mr. BARCIA. Mr. Speaker, I rise today to honor Donald Sandor as he prepares to retire after 40 years of faithful, accomplished teaching and music ministry leadership, the past 25 years of which were spent at Immanuel Lutheran Church and School in Bay City, Michigan. Don's devotion and joyfulness in sharing the good news of God's love in Christ with his students and our congregation has made him an invaluable part of Lutheran education in our community.

A native of Akron, Ohio, Don is one of two children born to Mary Sandor and the late Julius Sandor, from whom he received the love and support that helped mold him into the wonderful educator he is today. Don is a product of Lutheran schools in Ohio. He later earned a bachelor's degree from Concordia Teachers College in River Forest, Illinois, and a master's degree from Saginaw Valley State University.

Since 1962, as a Lutheran school teacher, Don has shared with children the basics of reading, writing, arithmetic, music and especially our faith in the Lord our God and Savior. His faith and submission to God's call first led Don to Lutheran schools in Cincinnati, Ohio; St. Louis, Missouri; and, Lincoln Park, Michigan. Don came to Bay City's Immanuel Lutheran Church and School in 1977, first as a seventh-grade teacher and then teacher of the fifth grade. Throughout his 25 years at Immanuel, Don has been active as a leader in both the church's and school's music ministry, serving as parish music coordinator, organist and choir director. He also assisted as a school choir director and organist.

Don has always found ways to use his God-given talent outside his own classrooms and parishes. Organizations including the American Guild of Organists and the Saginaw Valley Chapter of the A.G.O. Executive Board, the Michigan District North and West Teachers Conference Executive Board and the Midland Music Festival Committee have benefited from Don's input and influence. Of course, Don's wife, Kathy, and daughters, Julie, Jill and Laurel, have been a large part of his success and they, too, deserve our thanks.

Finally, Mr. Speaker, I wish to praise Don for setting and maintaining high standards of excellence in education and in his faith. The elementary and middle school years set the groundwork for future success and Don's teaching ministry has served his students and our community well. I ask my colleagues to join me in expressing gratitude to Don Sandor for his dedicated service to our children and in wishing him an enjoyable retirement.

COMMEMORATING ASIAN PACIFIC  
AMERICAN HERITAGE  
MONTH "UNITY IN FREEDOM"

**HON. PATSY T. MINK**

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 23, 2002*

Mrs. MINK of Hawaii. Mr. Speaker, it is a privilege to rise today to commemorate May

as APA Heritage Month. It is a time not only to honor the many Asian Americans and Pacific Islanders that have made contributions to our great society. It is also a time to remember that this greatness is based upon the richness and vitality of a culture that embraces diversity.

The month of May was chosen as Asian Pacific American Heritage Month to mark the immigration of the first Japanese to the United States in 1843. The freedoms that were sought and acquired then are the same freedoms that draw the many immigrants to our country today. And it is our welcome that defines the "unity in freedom" we so desire.

If not for our hospitality we would not have Yo-Yo Ma, who, in 1963, attended Juilliard School of Music at the age of nine and has since enchanted the world with his brilliance as a cellist. Or we may not have the Viet Nam Memorial designed by architect Maya Ying Lin, whose parents emigrated to our country from China in the 1940s. When, as a student at Yale, she created the memorial's design.

We look at the accomplishments of Asian Americans and Pacific Island athletes who have changed the face of sports with their extraordinary abilities. Duke Kahanamoku, a native Hawaiian, won three gold and two silver medals in swimming over the course of three Olympics in the early 20th century. Tiger Woods, golfer extraordinaire, had the opportunities at a very young age to excel at a sport that was once thought of as elitist. Figure skaters Kristi Yamaguchi, gold medalist in the 1992 Olympics, and Michelle Kwan, the most decorated women skater in history, have turned the Olympian dream into reality. Just recently the world witnessed Apollo Ohno, a Seattle native, take the Winter Olympics by storm as he rose to the top of his sport, short track speed skating, by being the first American to win the gold and silver medal.

Perhaps a name less known to the world is Dr. David Ho, a molecular biologist, who, at the age of three emigrated with his family to our country in search of a better life. Dr. Ho's dedication as an AIDS researcher led to the development the anti-viral drug "cocktails," that has earned him Time Magazine's 1996 Man of the Year.

The grandeur of our universe is not big enough to hold the heroic deeds of our NASA astronauts. Two Asians have the distinction of being firsts. In 1996, Kalpana Chawla, a mission specialist on the space shuttle STS-87, was the first Indian American woman in space. Lt Colonel Ellison Onizuka, a Japanese American from the Big Island of Hawaii, loomed high as the first Asian American in space. Colonel Onizuka tragically lost his life in the 1986 Challenger explosion.

Lest we not forget the Asian American and Pacific Island veterans who lost their lives in the service of our country. Their courage and gallantry has preserved the freedom and democracy that all Americans enjoy.

RECOGNIZING THE MONTH OF MAY  
AS ASIAN PACIFIC AMERICAN  
HERITAGE MONTH

**HON. NEIL ABERCROMBIE**

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 23, 2002*

Mr. ABERCROMBIE. Mr. Speaker, I rise today to recognize and celebrate the month of

May 2002 as Asian Pacific American Heritage Month.

In June 1977, Representatives Frank Horton of New York and Norman Y. Mineta of California introduced a House resolution that called upon the President to proclaim the first 10 days of May as Asian Pacific Heritage Week. That was later followed by a Senate bill introduced the following month by Senators DANIEL INOUE and Spark Matsunaga. On October 5, 1978, President Jimmy Carter signed a Joint Resolution designating the annual celebration. In May 1990, the holiday was expanded further when President George Bush designated May to be Asian Pacific American Heritage Month. The month of May was chosen to commemorate the arrival of the first Japanese immigrants to the United States in May 1843.

H. Res. 408, introduced by my colleague and the Congressional Asian Pacific American Caucus Chair, Representative DAVID WU, recognizes the contributions of Asian Pacific Americans to our Nation. As an original cosponsor of this resolution, I recognize and commend how Asian Pacific Americans have contributed to the prosperity and vitality of our society. Whether in government, business, education, the military, science, technology, or the arts, Asian Pacific Americans bring to our society a rich cultural heritage representing many languages, ethnicities, and religious traditions.

Diversity represents one of our country's greatest strengths. I am honored to represent the State of Hawaii in Congress. Much of the character of my State and district is a result of the great diversity Asian Pacific Americans have brought to our country. I hope all Americans recognize the contributions these groups have made to our national identity and culture.

A TRIBUTE TO FIRST LUTHERAN  
CHURCH

**HON. ADAM B. SCHIFF**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 23, 2002*

Mr. SCHIFF. Mr. Speaker, I rise today to honor First Lutheran Church in Pasadena, CA. On Sunday, June 2, First Lutheran will celebrate its 110th anniversary with a day of prayer and celebration marking the extraordinary history of the church and its congregation.

First Lutheran was convened in 1892 at the Grand Hotel in Pasadena. Originally, due to the German congregation, all church business and services were conducted in German. The church's constitution was even written in German. It wasn't until 1914 that all services were conducted in English and it wasn't until the early 1920s that the church's constitution was translated into English.

Between the 1940s and 1960s, 800 to 1000 parishioners attended weekly Sunday services. The church had grown so large and so popular at one point that the services were broadcast for a time on Glendale radio station KIEV. First Lutheran's popularity was a direct result of the inviting atmosphere of the church's services and congregation. Parishioners from as far away as St. Louis, Missouri chose to attend First Lutheran as they settled in southern California and all of them remark that their decision was based on the feeling of

"being home," that First Lutheran gave to them.

The feeling of "being home" extended to, as the First Lutheran Mission Statement reads, "all people." While many churches around the nation fought against integration, First Lutheran embraced the call to treat all people as equals and it was in the 1940s and 1950s that the congregation began to integrate. Today, First Lutheran looks like America. It has acted and will continue to act as a refuge for all who come to worship together regardless of differences.

I am proud to be able to recognize First Lutheran for its 110 years of offering a place of solemn and joyous worship to the people of the San Gabriel Valley and I ask all Members to join me in congratulating the congregation for the years of remarkable achievement.

#### HONORING CONGREGATION B'NAI ZION

#### HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 23, 2002*

Mr. DEUTSCH. Mr. Speaker, I rise today to recognize a cornerstone of the religious community in South Florida, Key West's Congregation B'nai Zion. Founded in 1887, the B'nai Zion Synagogue has remained an integral part of the Key West community for over 115 years and is the oldest Jewish congregation in Key West, as well as one of the oldest in the state of Florida. I am saddened, however, to report that a fire nearly destroyed the synagogue of Congregation B'nai Zion in the early morning hours of April 16.

I come to the floor today to offer my deepest sympathies to the people of the Congregation. The synagogue, which serves as a sanctuary for 250 worshipers, also included a residence for Rabbi Joseph Hirsch. The fire destroyed the majority of its rooms, leaving Rabbi Hirsch without a home and a Congregation without a place of worship. Authorities determined that this tragedy was the work of arsonists.

The fire of April 16 may have damaged Congregation B'nai Zion's building, but I am pleased to report that it did not damage their spirits. People of all faiths in the Key West community have compassionately reached out to the Congregation and supported them in their time of need. Congregation B'nai Zion continues to have weekly worship services and Rabbi Hirsch has a roof over his head. The Congregation now has renovation plans in place, and Rabbi Hirsch and Congregation President Fred Covan are working hard to ensure B'nai Zion remains a fixture in the Key West community.

While the people of Key West have rallied behind their oldest synagogue, I am deeply troubled by the possibility that this incidence—which occurred on the eve of Israel's Independence Day—reflects the trend of anti-semitism we are witnessing on a global scale. Hate and prejudice rages against the Jewish people in the Middle East and Europe, and the United States must stand before the world as a people united, regardless of faith.

Mr. Speaker, Congregation B'nai Zion's synagogue has been destroyed, but the spirits of the people have endured. Today I wish to rec-

ognize the remarkable perseverance of Congregation B'nai Zion, and thank the national and local authorities and the people of Key West for their assistance in rectifying this terrible situation and ask for their continued support.

#### TRIBUTE TO RABBI AVIS MILLER

#### HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 23, 2002*

Mr. WAXMAN. Mr. Speaker, I rise in tribute to Rabbi Avis Dimond Miller in honor of her 18th anniversary as a Rabbi of Adas Israel Congregation in Washington, DC.

I have known Rabbi Miller for many years. She is an accomplished Rabbi, a talented teacher, and a good friend. I have appreciated first-hand the power of her sermons, the impact of her activism, and the great admiration and respect she has earned from congregants, colleagues, and community members.

As the first woman to serve a major Conservative pulpit, and the first woman ever appointed to chair a national committee for the Rabbinical Assembly of the United Synagogue for Conservative Judaism, Rabbi Miller is an impressive role model and a pioneer in the Conservative Jewish movement. In her tenure at Adas Israel, she has been instrumental in developing programs for young adults and young families, and she has authored training manuals to help other synagogues encourage unaffiliated Jewish families to participate in their communities. In her role as chairwoman of the Rabbinical Assembly of the committee on outreach, she has played a tremendous role in helping countless Jewish Americans embrace their Jewish identity.

Rabbi Miller has also inspired the congregation to have an ambitious social action agenda, on issues ranging from the plight of Ethiopian Jewry to the blight of homelessness. She is credited with organizing the congregation's Bikkur Holim Committee, a program for visiting the sick, and publishing the first Jewish guide on the subject. She has lectured extensively on medical ethics issues regarding, genetic discrimination, and she will soon put forth an anthology of sermons she delivered during Adas Israel High Holiday services over the past 18 years.

In Hebrew, the number 18 is the numeric equivalent of the word *chai*—life, and Rabbi Miller has truly been a lifeline for the synagogue. Through her involvement in life cycle events, births, bar and bat mitzvah ceremonies, marriages, and deaths, she has been a pillar of strength and compassion.

We owe Rabbi Miller a debt of gratitude for her service to Adas Israel Synagogue and the greater Washington Jewish community. On June 2, 2002, when Adas Israel celebrates Rabbi Miller's special 18 year milestone, it will be my pleasure to join Rabbi Wohlberg, her family and friends, and the entire Adas Israel community in paying tribute to her achievements and wishing her continued success in all of her endeavors.

#### A TRIBUTE TO FREEDOM

#### HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 23, 2002*

Mr. ROSS. Mr. Speaker, today, I have the honor of sharing with you a touching tribute to the victims of the September 11th attacks, to our Nation, and to our legacy of freedom.

I was visited recently by a gentleman from my hometown, Leo Smith. Leo is a graduate of the University of Central Arkansas and works as a safety manager at a plant in Hope, Arkansas. In his profession, he is concerned with protecting the lives of his coworkers, but after September 11th, he was concerned with the lives of many more.

We have all chosen our own method to deal with the tragedy of the attacks on our Nation. Leo chose to express his anger, helplessness, and also his pride through a poem entitled "Let Freedom Ring." Leo thoughtfully presented me a copy of this poem, and I was very moved upon reading it.

In his poem, Leo recognizes that "the land of the free will never be the same again, not for you or for me." The poem identifies the transformation of our country, the loss, but also the gain of something new. Leo knew that the attacks signified the start of a war to defend freedom, but the sudden display of patriotism, the tribute to those who have died throughout our nation's history to defend that nation, in his own words, "Let me know the battle has already been won."

It is with pride and gratitude that I share with you and submit to the CONGRESSIONAL RECORD Leo Smith's poetic eulogy to the victims of the attacks. His words lament the loss we all felt that day, but express the hope that soon followed. As he puts it, What will happen next? The answer to this only God knows. But on that Tuesday, September 11th, Was born a new breed of heroes.

LET FREEDOM RING

(By Leo Smith)

America the Beautiful, the land of the free, will never be the same again, Not for you or for me.

Tragedy struck quickly, It rocked the entire world, Changing many of today's families, To widows and little orphan boys and girls.

Pictures of blood shed and destruction, On television night after night, People filled with compassion, Hearts filled with fright.

What will happen next? The answer to this only, God knows, But on that Tuesday, September 11th, Was born a new breed of heroes.

Everyone who helped was a hero, Giving blood or looking through the rubble, Or just saying a prayer for the victims, Or just telling your someone that you lov'em.

Our nation, one people, all helping for the cause, Made tears come to my eyes, And me to take a long pause.

Red, white and blue forever, U.S. flags flying everywhere as far as the eye can see, Respecting the battles of our fore fathers, Who fought and died for us to be free.

All our people pulling together, Let me know the battle has already been won, All races uniting and bonding, We are all one nation, just one.

No matter how many buildings are destroyed, And all the destruction that others can bring, The United States will always rise to the top, All Americans unite, and Let Freedom Ring.

# CONCURRENT RECEIPT PART II— VETERANS

**HON. DARLENE HOOLEY**

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 23, 2002*

Ms. HOOLEY of Oregon. Mr. Speaker, most of this body is aware of the so-called concurrent receipt penalty affecting our military retirees with service-connected disabilities. While Congress has undertaken gradual steps to remedy this situation, numerous veterans in my home state of Oregon have contacted me about a situation which I feel is equally unfair.

With the conclusion of the Cold War, the Department of Defense employed numerous separation programs to comply with Congressional mandates and decrease the number of active military personnel. The DoD implemented the Special Separation Benefit (SSB), and the Variable Separation Benefit (VSI) which were both designed to award servicemen and women with immediate compensation in return for early retirement from the Armed Services.

What many of these servicemen and women did not know is that by agreeing to leave active duty and accept the SSB or VSI payment, they were effectively signing away the right to receive future service-connected disability payments from the Veterans Administration. As it currently stands, any service member who accepted the SSB payment and is diagnosed with a service-connected disability must repay their payment in full before he or she can receive disability pay. Likewise, members who receive the VSI payment cannot receive the full disability payment to which they would otherwise be entitled.

I find this practice reprehensible. Many service-related disabilities might not become apparent for several months or years after separation. Consequently, everyone who made use of these programs could not have possibly known the way in which they would be affected by the offset provisions. What's more, many service members made the decision to accept the separation pay only because the alternative would be an eventual, forced retirement.

To remedy this problem, I am introducing bipartisan legislation with my colleagues JIM GIBBONS from Nevada and Richard Baker from Louisiana. Please, join me in helping bring an end to this reprehensible practice.

## PERSONAL EXPLANATION

**HON. JO ANN EMERSON**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 23, 2002*

Mrs. EMERSON. Mr. Speaker, I was attending to a family emergency and missed the following recorded votes. Had I been present, I would have voted, Yes on rollcall vote 171, Yes on rollcall vote 172, Yes on rollcall note

173, Yes on rollcall vote 174, Yes on rollcall vote 175, Yes on rollcall vote 176, Yes on rollcall vote 177, Yes on rollcall vote 178, Yes on rollcall vote 179, Yes on rollcall vote 180, Yes on rollcall vote 181, Yes on rollcall vote 182, Yes on rollcall vote 183, Yes on rollcall vote 184, Yes on rollcall vote 185, Yes on rollcall vote 186, Yes on rollcall vote 187, Yes on rollcall vote 188, Yes on rollcall vote 189, Yes on rollcall vote 190, Yes on rollcall vote 191, No on rollcall vote 192, Yes on rollcall 193, Yes on rollcall 194, No on rollcall 195, No on rollcall 196.

# BOB STUMP NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2003

SPEECH OF

**HON. PETER A. DEFAZIO**

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 9, 2002*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4546) to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, and for military construction, to prescribe military personnel strengths for fiscal year 2003, and for other purposes;

Mr. DEFAZIO. Mr. Chairman, I rise today to continue with my statement against H.R. 4546, the fiscal year 2003 Department of Defense authorization act. In my prior comments, I detailed how some quality-of-life improvements for active duty and retired military personnel that I strongly supported were overshadowed by unnecessary spending on weapons systems like the Crusader artillery system and the Comanche helicopter.

Unfortunately, as I mentioned in two previous statements about H.R. 4546, the House Rules Committee blocked any amendments to reform or eliminate unnecessary weapons systems from being considered. Today, I want to talk about another weapons system of dubious value, the F-22 Raptor fighter jet, that was fully funded in H.R. 4546. There is no threat that justifies the pursuit of this fighter jet program. Particularly when the Pentagon is simultaneously pursuing two other new fighter jet programs, the Joint Strike Fighter and the F-18E/F.

I offered two amendments on the F-22 that came directly out of the recommendations in a March 2002 GAO report. My first amendment would have reduced the number of low rate initial production aircraft from 23 to 13. My second amendment placed two conditions on the program: requiring a reassessment of the costs, and requiring the Air Force to monitor key manufacturing processes of the private contractors. Neither of these amendments was allowed to be debated by this House. In addition to the GAO, a variety of independent analysts have raised concerns about the F-22. Even the House of Representatives has gone on record expressing concerns. In the House report for the fiscal year 2000 Department of Defense appropriations bill, the Armed Services Committee highlighted a number of concerns about the program including various technical problems, the inability to control rising costs, and the questionable need for the aircraft. The House report even mentioned suitable alternatives to the F-22.

The problems highlighted in the House report have only gotten worse. Unfortunately, Congress seems content to bury its collective head in the sand and move forward with procuring F-22s that are too expensive, don't work, and are unnecessary. A March 2002 GAO report identified a number of ongoing problems with the F-22. In summary, GAO found "The F-22 did not meet key schedule goals for 2001, the cost to complete planned development is likely to exceed the \$21 billion reported to Congress, and the program is not far enough along in flight testing to confirm Air Force estimates of the aircraft's performance."

The problems identified by GAO include:

Rising cost concerns: In the FY02 DOD authorization bill, Congress removed the development cost cap. Current estimates are the development costs will be \$21 billion. However, that cost is likely to rise because flight testing delays may lead to an extension of the development program, and Lockheed Martin's costs, which are borne by taxpayers, have increased. Over the last two fiscal years, Lockheed's costs have exceeded budgets by \$218 million. In addition, restructuring the test schedule increased costs by \$557 million.

Delays in testing: The Air Force realigned the testing schedule in June 2001 because development test aircraft are taking longer to assemble than anticipated, available test aircraft are not achieving the number of test objectives per flight hour that are specified in the plan, and completion of the test schedule is highly dependent on a single test aircraft rather than the three as originally planned. The Air Force has a goal of ten test points per hour, but the program is only accomplishing seven per hour, 30 percent less than planned. GAO notes, "avionics testing with development test aircraft has been limited." Only around 22 percent of planned avionics test points have been completed. GAO computations show that development flight testing necessary for the planned start of operational testing might not be completed until March 2004, 11 months later than planned.

However, the Air Force now plans to overlap development flight testing with operational flight testing. But, GAO warns "there is an increased risk involved in the concurrency, and there is still a high risk of not completing an adequate amount of development flight testing before operational testing is scheduled to begin."

The Air Force has also decided to dumb down the testing. GAO notes, "the Air Force eliminated and consolidated some test points (specific test objectives conducted during flight testing) and deferred other test points . . . as a result, the combined total flight test points remaining have been reduced by approximately 4,708 points, or 31 percent."

A recent review by the Air Force Operational Test and Evaluation Center concluded there was insufficient testing completed to assess nine of the ten key performance parameters. GAO projects that airframe flight testing will have to continue until February 2008 to accomplish all the remaining 8,199 test points with one aircraft, which is almost four years beyond the current schedule. GAO concludes that the Air Force's cheerleading about the success of the test program is largely overblown. GAO wrote, "the Air Force's estimates are based on limited flight test data, computer models, ground tests, and analyses. Flight test progress has been slower than expected, thus

delaying the confirmation that the F-22 will deliver requirement performance."

I am also concerned about quality control problems in the F-22 program. According to the GAO, "The Air Force has estimated that the F-22 should at this point in development be able to complete 1.55 flying hours between maintenance actions . . . . However, development aircraft have been completing only .60 flying hours between maintenance."

GAO also identified problems with the compound that helps make the F-22 stealthy. GAO noted that even the new formula has been prone to cracking and swelling. The Air Force is also investigating a problem with the aircraft's vertical tails that could impact performance. GAO warns: "Buying production articles before they can be adequately tested can result in buying systems that require significant, and sometimes costly modifications to achieve satisfactory performance; accepting less capable systems than planned; and deploying substandard systems to combat forces."

Finally, I am concerned about inadequate oversight of private contractors. In November 2000, when the F-22 program office ceased collecting information on the percentage of key processes in control, the contractor had only 44 percent of its manufacturing processes in control. GAO expressed concern about this lack of oversight. "During our current review, the F-22 program officials told us that neither they nor the prime contractors track the status of manufacturing processes in control because of the cost involved in tracking these processes. They rely on subcontractors to manage their own manufacturing processes. Hence, the program office may be committing to increased production quantities without knowing the percentage of key manufacturing processes that are in control. Continuing to increase the F-22 aircraft production quantities in low rate production before 100 percent of the key manufacturing processes are under control increases the risk that manufacturing and assembly problems evident with the development test aircraft will carry over into the production program."

In a strongly worded conclusion, GAO wrote, "The cost involved in correcting manufacturing and assembly problems would most likely exceed the cost of tracking and manufacturing processes." My amendments would have addressed the concerns of the GAO and protected taxpayers. Unfortunately, as I mentioned before, the Rules Committee refused to allow a real debate and blocked my amendments from floor consideration.

PAUL WILBUR KLIPSCH: AN  
INNOVATOR AND AN INSPIRATION

**HON. MIKE ROSS**

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 23, 2002*

Mr. ROSS. Mr. Speaker, I rise today to pay tribute to an extraordinary Arkansan, a great inventor, engineer, and scientist, who left his mark not only on my district, but on our nation's history as well. His name was Paul Wilbur Klipsch.

Paul Klipsch was well known for many things, but was best known for his contributions in revolutionizing the world of audio.

From a very young age, he became fascinated with acoustics and radio, and even built his own radio receiver a year before the first public radio broadcast. That fascination would follow him the rest of his life.

His career began in 1926 after graduating from New Mexico State University with a degree in Electrical Engineering, when he was employed by General Electric to work with radio. He went on to earn his Master's Degree in Electrical Engineering at Stanford University, continuing research in audio frequency and efficiency.

After serving in World War II, Paul decided to dedicate his life to building loudspeakers, determined to achieve accurate sound reproduction. From his home in Hope, Arkansas, he spent years researching and conducting experiments, and much of his work was patented. In his lifetime, Klipsch was granted three patents in ballistics, eight in geophysics, and twelve in acoustics. His Heritage Line of speakers are known worldwide for their quality and accuracy that set industry standards. In fact, I enjoy using them in my own home.

Paul Klipsch received numerous awards during his lifetime. He has had buildings, lecture halls, and auditoriums named in his honor. Perhaps his most distinguished honor came in 1997, when he was inducted and enshrined in the Engineering and Science Hall of Fame joining members like Thomas Edison, Jonas Salk, and the Wright Brothers. He was recognized as a visionary for improving the quality of life for all humanity.

The same can be said for both his professional and personal life. An avid philanthropist, Klipsch spent his 98 years on this Earth trying to better the lives of his neighbors. He always gave credit to Divine Guidance, and invoked it frequently. He has been described as raw, eccentric, straightforward, controversial, fascinating, whimsical, and extraordinary.

My heart goes out to Paul's wife of nearly 26 years, Valerie, their son, Raymond, and their two grandchildren as they deal with this difficult loss, and I am keeping all of them in my thoughts and prayers. While he may no longer be with us, his life and legacy will be remembered for generations to come.

#### ASIAN PACIFIC AMERICAN HERITAGE MONTH

**HON. NANCY PELOSI**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 23, 2002*

Ms. PELOSI. Mr. Speaker, I am pleased to join with Mr. WU, Chairman of the Congressional Asian Pacific American Caucus, and other members of the caucus to observe Asian Pacific American Heritage Month. I commend Mr. Wu for his leadership of the Caucus.

The theme this year is "Unity in Freedom." In the wake of the September 11 terrorist attack, our nation has gained a new sense of unity and a new appreciation for our freedoms. Immigrants and ethnic groups are a vibrant and vital part of who we are as a country, and we must use these challenging times to learn about, and to draw strength from, each other.

Asian Pacific Heritage Month provides us with the opportunity to recognize the important contributions of Asian Pacific Americans. In

the San Francisco Bay Area, we have three exciting projects underway that will help educate all Americans on the experiences of immigrants from Asia and the Pacific region.

In the Golden Gate National Recreation Area in San Francisco, plans are underway to establish two important links to our past: the Pacific Coast Immigration Museum and the Building 640 Interpretive Center. I am seeking funding this year to advance these two projects.

The immigration museum will serve as a western counterpart or "bookend" to the famous Ellis Island Immigration Museum. It will celebrate the unique experience of Americans who came to the West Coast from Asia, the Pacific Islands, Latin America and other regions. It will be the only museum to present the history of all immigrants who settled on the West Coast. The Pacific Coast Museum will also provide active linkages to other historical sites and institutions throughout the region.

Building 640 at the Presidio was the site of the original all-Nisei language school of the Military Intelligence Service of World War II, the forerunner of the famous Defense Language Institute in Monterey. While their families were living in internment camps, Japanese Americans were trained in Building 640 to assist the U.S. military with translation and battlefield interrogation. The interpretive center will be dedicated to the Military Intelligence Service and to the exploration of the Japanese American experience.

An important related project is the effort underway to preserve the Angel Island Immigration Station in San Francisco Bay. Congresswoman WOOLSEY is leading the drive to obtain federal funding for Angel Island.

Between 1910 and 1940, hundreds of thousands of immigrants from around the world entered the United States through Angel Island. The immigration station is best known for the experience of Chinese immigrants from 1882 to 1943, when the Chinese Exclusion Act prohibited many Chinese from coming to the U.S. and denied citizenship to foreign-born Chinese. Many Chinese were interned at Angel Island for up to two years.

Together, these three projects offer a way to tell stories of great resonance to current and future generations. The contributions of people of different origins to our common heritage and our military security have never been more relevant.

I am pleased to have this opportunity today to honor all of the contributions of Americans of Asian and Pacific Islander heritage.

#### ASIAN PACIFIC AMERICAN HERITAGE MONTH

**HON. ROBERT T. MATSUI**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 23, 2002*

Mr. MATSUI. Mr. Speaker, I rise today in celebration of Asian Pacific American Heritage Month. It is my pleasure to acknowledge the tremendous achievements and contributions that the Asian Pacific American community has made to our society. Asian Pacific American (APA) Heritage Month provides us with an opportunity to reflect upon the diversity that makes our nation so strong, and the particular accomplishments of the APA community.

I would also like to take this opportunity to thank all those who remain dedicated to advancing the goals of the APA community. I commend all of the APA organizations across America for enhancing the voice of APAs in the political and social arena. Their tireless efforts inspire others to achieve their dreams. All Americans, regardless of their ethnic background and heritage, benefit from their work.

This year, many organizations are choosing to celebrate Asian Pacific American Heritage Month by focusing on theme, "Unity in Freedom." This theme resonates deeply in the wake of September 11th. Following the attacks, the APA community has been a leading voice in the fight to protect the civil liberties of all Americans, regardless of race, ethnicity, or religion. This deep and enduring commitment is a testament to the remarkable resilience of APAs throughout American history.

It is quite fitting that our great nation takes the time each year to honor the exemplary contributions of APAs. This month allows us a moment to reflect on the past successes and struggles of the APA community, as well as the promise the future holds. As we examine and celebrate the distinct heritage of Asian Pacific Americans, it is important to acknowledge that the diverse fabric of our nation is bound together by a shared set of values: freedom, liberty, and equal opportunity. The APA community has long exemplified these values. It is an honor to highlight Asian Pacific American Heritage Month on the floor of the U.S. House of Representatives.

#### ASIAN PACIFIC AMERICAN HERITAGE MONTH

**HON. DAVID WU**

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 23, 2002*

Mr. WU. Mr. Speaker, I rise today in honor of Asian Pacific American Heritage Month. In 1992, President George H.W. Bush signed into law legislation that designated May as Asian Pacific American Heritage Month to recognize and celebrate the contributions of Asian Pacific Americans to our nation. From the building of the transcontinental railroad to the development of the Internet, APAs have played an active and profound role in the development of our country.

Asian Pacific Americans have helped to make tremendous advances in politics, medicine, technology, business, music, literature, film, athletics, and countless other fields. APAs have also honorably served to defend the United States in times of armed conflict, from the Civil War to today. As Chair of the Congressional Asian Pacific American Caucus, I am proud to recognize these achievements.

While many APAs are thriving, we must not forget those who are struggling to overcome obstacles, including language and cultural barriers as well as discrimination.

Mr. Speaker, I cannot stress enough the importance of improving data collection on Asian Pacific Americans. The tremendous diversity within the APA community poses challenges. Most data collections tend to lump various Asian Pacific Americans together in a single category, swallowing up numbers for each distinct group and failing to present an accurate

picture of subgroups. It is important that we recognize the distinct cultures, traditions and histories that make up the Asian Pacific American community.

America draws its strength from its tremendous diversity. APAs are one of the fastest growing populations with over 11.9 million people. We have greatly enriched the American landscape. I am honored to take part in Asian Pacific American Heritage Month by celebrating the many achievements of APAs in American history.

#### MEMORIAL DAY 2002

**HON. STENY H. HOYER**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 23, 2002*

Mr. HOYER. Mr. Speaker, I rise today to pay tribute in advance of this Monday's Memorial Day celebrations to the brave men and women who have sacrificed their lives while serving our country in the armed services. Memorial Day, originally founded as Decoration Day in 1868, is the one day a year that all Americans pay their respects to those killed in war.

The day's rituals are rooted in the tradition established by family members and friends who gathered in cemeteries to adorn the grave sites of loved ones who had died in battle with flowers, ribbon, and memorabilia. Today, we continue that tradition and gather as a country at important places of remembrance, such as Arlington National Cemetery or the World War II Normandy American Cemetery and Memorial in France, to demonstrate our appreciation and acknowledge the sacrifice of those who lost their lives in our perpetual fight to maintain our freedom and sovereignty.

This unique holiday is a time to reflect on what those who have died sacrificed on our behalf and give tribute to their selfless spirit. On November 11th, we laud our veterans for their bravery and dedication to duty. We hail our Independence on the 4th of July. On Thanksgiving Day, we give thanks for all that we have. The last Monday in May, however, is set aside to mourn those who died on the battlefield defending our Constitution, our country and our way of life—although we should certainly not confine our recognition to this one day.

We see this recognition and appreciation carried out in acts around the country, such as that of the 1,200 soldiers of the 3rd U.S. Infantry who place small American flags at each of the more than 260,000 gravestones at Arlington National Cemetery and patrol the Cemetery without cessation throughout the weekend to ensure each flag remains standing; or that of the Boy Scouts and Girl Scouts who place a candle at each of the approximately 15,300 grave sites of soldiers buried at Fredericksburg and Spotsylvania National Military Park on Marye's Heights.

Throughout the country, our landscape is embedded with powerful symbols and monuments that reflect our heritage. These symbols strive to keep us aware of all of those who have come before us. In our busy lives however, we often take our veterans and war heroes for granted. But I believe most Americans would agree that their valiant efforts should al-

ways be at the forefront of our collective memory and we should be careful to observe this important day to honor our fallen countrymen.

September 11th emphasized the importance of words like liberty, freedom and justice. We lost a tremendous number of men and women through an act of cowardice that caught us off-guard. And as so many had done before them, our nation's service men and women responded to our nation's call in the wake of that attack with fervor.

In Congress, we are working to support our troops abroad and strengthen America at home. The Department of Defense Authorization bill that recently passed the House of Representatives authorized over \$7 billion to combat terrorism and weapons of mass destruction. The bill also included pay raises of 4.1 percent or more for military personnel, over \$10 billion for military construction and family housing projects, and extended pay for certain reservists.

It also mends a disparity for military retirees who have not been able to receive their retiree pay as well as their disability pay. This bill will help improve our defensive readiness and improve the quality of life for all our active duty and veteran service men and women.

The fallen heroes who acted selflessly throughout our history in the face of tyranny and oppression fought a foe that we are still fighting to this very day. President John F. Kennedy once said, "A man does what he must—in spite of personal consequences, in spite of obstacles and dangers—and this is the basis of all human morality." All American's can learn from the bravery and courage of our lost soldiers. I urge my Colleagues to take a moment this Memorial Day and appreciate the freedom we have by remembering our fallen heroes.

#### PAYING TRIBUTE TO WORKERS IN NEW YORK CITY FOR RESCUE, RECOVERY, AND CLEAN-UP EF- FORTS AT SITE OF WORLD TRADE CENTER

SPEECH OF

**HON. BENJAMIN A. GILMAN**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 21, 2002*

Mr. GILMAN. Mr. Speaker, I rise in strong support of the measure introduced by my friend and colleague from New York, The Gentleman from ? Mr. FOSSELLAI, recognizing the heroic efforts of the hundreds of men and women who served in the rescue, recovery, and clean-up operations over the past eight months at ground zero in Manhattan.

On that horrible day in September, our nation witnessed the best and the worst of humanity. The despicable, cowardly, barbaric terrorist acts were valiantly countered with the incredible heroism and courage of our firefighters, law enforcement officers, emergency personnel, and our fellow citizens.

In the hours, days, and months following the attacks, these first responders were joined by steel workers, electricians, construction workers, and a myriad of specialists in the clean-up operation. Their collective and sustained effort has resulted in the successful near-completion of the massive clean-up operation.



Accordingly, let us honor the sacrifices and patriotic valor demonstrated by everyone involved in this unprecedented effort. Accordingly, I urge my fellow colleagues to support this important measure.

HONORING HERMAN J. RUSSELL  
FOR HIS HARD WORK AND HIS  
SELECTION AS THE ATLANTA  
BUSINESS LEAGUE CEO OF THE  
YEAR

**HON. CYNTHIA A. MCKINNEY**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 23, 2002*

Ms. MCKINNEY. Mr. Speaker, I rise today in honor of the achievements of Mr. Herman J. Russell of Atlanta, Georgia. Mr. Russell has been selected by the Atlanta Business League as its CEO of the Year for 2002.

Herman Russell transformed his father's small plaster business into a thriving conglomeration of property development and management businesses, which now span throughout Atlanta, Birmingham and the Southeast. Mr. Russell's 43-year old company has sculpted a number of major landmarks that are a part of Atlanta's infamous skyline.

Mr. Russell's accomplishments and influence extend well beyond the boardroom and into the community. He actively serves on several corporate boards and participates in many local, state and national charitable educational organizations. A philanthropist at heart, Mr. Russell provides scholarships for area youth, advice for budding entrepreneurs and support for economic development and empowerment.

Mr. Speaker, I rise today to honor Mr. Herman J. Russell, a pillar of the community. I am especially proud to know him and to have received lessons on the value of honesty and hard work. His unwavering integrity, consistent delivery of quality service, and generous community contributions exemplify the markings of a role model. Our community has been made better by his teachings and demonstrations of preparation, sacrifice, and dedication.

WINDSONG FILM FESTIVAL

**HON. MARK E. SOUDER**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 23, 2002*

Mr. SOUDER. Mr. Speaker, Windsong Pictures, Inc., an independent, nonprofit motion picture company based in Fort Wayne, Indiana, is holding its Third Annual International Windsong Film Festival.

The Windsong Film Festival, which this year is featuring 25 award-winning independent motion pictures, is unique among film festivals because it specializes not only in showcasing professional independent filmmakers and films, but also in working with students of all ages who are interested in film production. This year the festival will show several motion pictures created by students at Elmhurst High School in Fort Wayne, which is also hosting the festival. College students will also be showing their work.

Holding this festival is a tremendous privilege for Elmhurst. It gives the school national

attention while giving students there a rare opportunity to explore the world of filmmaking. It reminds us that even with the financial pressures that are bearing on Elmhurst—and many other schools—it is important to keep fine arts education a part of our children's education.

This film festival, and the tremendous film program at Elmhurst, is due in no small part to Michael Floyd. Floyd is executive producer of the festival and, perhaps more importantly, the leader of Elmhurst Cinema Productions, the club that allows so many students the opportunity to make their own movies.

In addition to showcasing student work, the festival this year includes special screenings of professionally-produced independent movies for students, who after watching the films will be able to talk to the directors and ask them questions about their experiences in creating the films. Also this year, 32 student groups—from elementary age through high school—will receive awards and prizes for their own student productions.

You don't have to be in Hollywood to make movies. As a matter of fact, you don't even have to wait until you graduate from high school. I am proud of our students and our community for holding this festival and displaying once again Fort Wayne's thriving arts community.

PERSONAL EXPLANATION

**HON. ROBERT MENENDEZ**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 23, 2002*

Mr. MENENDEZ. Mr. Speaker, because of a commitment to deliver a graduation commencement address in my District, I was unable to be present for all votes on May 21, 2002.

Honorable ROBERT MENENDEZ (NJ-13)

Mr. Speaker (Mr. Chairman), On rollcall no. 174, had I been present, I would have voted Yes. On rollcall no. 175, had I been present, I would have voted Yes. On rollcall no. 176, had I been present, I would have voted Yes. On rollcall no. 177, had I been present, I would have voted Yes. On rollcall no. 178, had I been present, I would have voted Yes. On rollcall no. 179, had I been present, I would have voted Yes. On rollcall no. 180, had I been present, I would have voted Yes. On rollcall no. 181, had I been present, I would have voted Yes. On rollcall no. 182, had I been present, I would have voted Yes.

CONFERENCE REPORT ON H.R. 3448  
PUBLIC HEALTH SECURITY AND  
BIOTERRORISM PREPAREDNESS  
AND RESPONSE ACT OF 2002

SPEECH OF

**HON. BART STUPAK**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 22, 2002*

Mr. STUPAK. Mr. Speaker, I rise today to speak out against the procedure used by the majority to consider and pass the Prescription Drug User Fee Act also known as PDUFA.

Yesterday we passed the conference report on bioterrorism almost unanimously.

I voted for it.

However, I did so over my unhappiness with the procedure used to consider PDUFA.

Through PDUFA, the drug industry pays fees to the Food and Drug Administration for timely review of drugs and biological agents.

We have heard a lot about how PDUFA works, but at what cost? What have we sacrificed?

What we have sacrificed under PDUFA is honesty, accuracy, and informative labels. These are the duties and responsibilities that affect every American consumer. Therefore, we must be very careful to make sure that we do not compromise safety or effectiveness that the American public has come to expect.

The FDA reached this agreement in closed-door negotiations with the very industry they are supposed to regulate!

I have many concerns with PDUFA, but I was not able to address them because we in Congress were not allowed to bring these concerns to the floor for a full and open public debate.

We weren't even allowed to have a committee markup on it.

Well, for the record my concerns are as follows.

First of all, the FDA is financially dependent upon an industry it regulates, and because under the new agreement user fees are dramatically increased, dependence will grow dramatically.

Instead of using industry funds, Congress should appropriate enough money to ensure FDA's regulatory authority is completely independent, above reproach, and free of undue pressure from the drug industry.

Second, it is more than clear that the approval of a drug or device based on relatively short-term information does not always give us complete information about a drug.

The number of drugs pulled off the market in the last 4 years is 12.

Now, I agree that 3 were pre-PDUFA but that leaves 9 drugs that raced through an accelerated PDUFA approval process with incomplete information.

This brings me to my third point.

Phase IV studies, also known as post-marketing surveillance, are nightmarishly inadequate and neglected to a shameful extent by both the FDA and the drug manufacturers.

The 1997 reauthorization of PDUFA—called PDUFA 2—ordered a study from FDA that would summarize how well the industry complied over the past 5 years with mandates to do phase IV studies.

The results of this study show the vast majority of drug companies do not do their mandated post-marketing surveillance studies.

Now I understand PDUFA 3 comes a long way towards addressing major concerns with post-marketing surveillance, but without any enforcement, there will be no post-marketing surveillance, as we saw in PDUFA 2.

So I suggest that we put civil monetary penalties pegged to the sales of drugs as one option that we should consider.

Another area of concern is the ability of the drug manufacturers to game the system.

While awaiting requested and required information from a manufacturer, FDA should be able to "stop the clock" on the time constraints PDUFA imposes.

Due to extremely tight decision deadlines in PDUFA, manufacturers know they can delay their response to FDA's requests for information long enough so FDA is forced to make a

decision without being able to thoroughly review and doublecheck data.

We had one breast cancer drug, and the FDA got the information one and a half weeks before the PDUFA deadline would run.

My final concern today is that of subpoena power.

The FDA is one of the only health and safety regulatory agencies that does not have subpoena power.

Subpoena power would give FDA the authority it needs to inspect manufacturers' documents.

This is an issue we need to explore, but we couldn't because we weren't allowed to.

And last but not least, safety, adequate labeling, and compliance with federal regulations always seem to fall by the wayside when we rush through PDUFA or whatever it might be.

We did pediatric exclusivity here recently, and we are still waiting for studies.

I recently wrote a letter to Bristol-Myers Squibb in February about a drug called Serzone.

Sixteen other members joined me.

That was a drug that the FDA did a pediatric exclusivity study request in 1994. We are still waiting for the results of that study.

We have young people who have suffered liver damage from this drug, and we can't even get anyone to tell us what the results of that study were, eight years ago. That's ridiculous, and it has to stop.

We want to make sure that drugs are safe, and we want to make sure that we have adequate labeling, and we want to make sure that the FDA has adequate information.

Therefore, Mr. Chairman, from subpoena power to enforcement power, the pediatric labeling under the pediatric exclusivity issue—all these issues we were not allowed to bring up before the House.

I will continue to work to make safety, accuracy, honesty, and labeling is put back in the Food and Drug Administration.

I voted for the bioterrorism conference report because it is too important to not implement.

But what about the terror facing people everyday when they take medications that are not established to be safe?

Mr. Speaker I hope issues as important as this one will be debated fully in the future and not subject to such underhanded tactics in the future.

#### EXPRESSING OPPOSITION TO THE MEDICARE WAGE ADJUSTMENT PROVISION

**HON. DANNY K. DAVIS**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 23, 2002*

Mr. DAVIS of Illinois. Mr. Speaker, I rise today in opposition to the Medicare Wage Adjustment Provision. The pure thought of allowing selected hospitals in two states to receive preferential treatment over the hospitals in the other 48 states is simply absurd. Similar to the hospitals in my Colleagues' districts, the 23 hospitals in my district are faced with extreme cuts in funding on the state and federal level and cuts in Medicare and Medicaid reimbursements. By granting the selected hospitals in

Pennsylvania and New York a wage adjustment, we are taking more money away from the hospitals in other districts.

We do not need unnecessary funding to this already expensive bill. We do not need to give special treatment to a few hospitals and the members which represent them, who did not seek help or adjustment based on procedure by going to CMS or allowing the policy to be considered or reported by the Ways and Means Committee. Instead, the Members of these hospitals were looking for a political shortcut and are attempting to use this legislation.

Every week, Mr. Speaker, I meet with my hospital constituents to discuss the alarming issues the hospital industry is facing, such as the nursing shortage, the cuts in reimbursements to the hospitals and physicians, the cuts in Medicare Indirect Medical Education Payments and the list sadly continues. This provision will only add to the current feeling of distress among our country's hospitals.

Mr. Speaker, I stand side by side with my Republican Colleagues and my Democrat Colleagues in support of our troops and homeland security. However, this provision is one which I cannot stand behind knowing the amount of damage that will arise. This is not about the War on Terrorism. This is not a fair provision intended to help all Americans.

#### LIBERTY MEMORIAL WORLD WAR I MONUMENT REDEDICATION

**HON. KAREN McCARTHY**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 24, 2002*

Ms. McCARTHY of Missouri. Mr. Speaker, I rise today to announce that on May 25, 2002 the citizens of Kansas City and dignitaries from around the world will come together for the rededication of the Liberty Memorial, our nation's only recognized World War I Monument. This monument, originally dedicated on November 11, 1926, serves as a lasting beacon to our men and women of the armed services. I am proud that this distinguished historic landmark is located in the district that I represent.

Following the Armistice on November 11, 1918, the citizens of the heartland rallied to build a memorial in honor of the 116,516 Americans who died in the war. The Liberty Memorial Association made up of greater Kansas City's business and political leaders organized a fundraising campaign with the slogan "Lest the Ages Forget." The goal of \$2.5 million, \$2 million designated to build the monument and museum and \$500,000 for Allied charities, was reached in ten days.

On November 1, 1921, more than a hundred thousand people witnessed the site dedication, an event that hosted the five great Allied Commanders of World War I: General John J. Pershing of the United States; Admiral Lord Earl Beatty of Great Britain; General Armando Diaz of Italy; Marshal Ferdinand Foch of France; and Lieutenant General Baron Jacques of Belgium. General Pershing, a native Missourian, noted on the occasion that "The people of Kansas City, Missouri are deeply proud of the beautiful memorial, erected in tribute to the patriotism, the gallant achievements, and the heroic sacrifices of their sons and daughters

who served in our country's armed forces during the World War. It symbolizes their grateful appreciation of duty well done, an appreciation which I share, because I know so well how richly it is merited." During the parade that followed the ceremony, the American Legion Vice Chairman of Decoration Committee, Honorable Harry S. Truman, presented their country's flags to the Allied Commanders.

Vice President Calvin Coolidge participated as an honored guest during the site dedication and returned as President five years later as honored speaker for the official Liberty Memorial dedication on November 11, 1926, attended by one hundred and fifty thousand people. In his address at the Liberty Memorial dedication, President Calvin Coolidge noted that, "We are attempting to restore the world to a state of better understanding and amity. It is enough for us to know that the side on which we fought was victorious. But we should never forget that we were asserting our rights and maintaining our ideals." His words are especially true today as we rededicate our efforts to fight for our ideals of peace and liberty against those who threaten us through acts of global terrorism.

Forty years later, Kansas City Mayor H. Roe Bartle proclaimed that a rededication of the Liberty Memorial would take place the week of November 10, 1961 to promote international understanding. Mayor Bartle gave purpose to the rededication with the following statement, "This monument encompasses all the individual efforts of the people of the world to live in friendship and fraternity so that all can assist one another in eliminating hunger, poverty, disease and illiteracy so that the world can set aside the hatred, fears, prejudices, and inequities that exist." The ceremonies featured former Presidents Dwight D. Eisenhower and Harry S. Truman along with 57 foreign representatives to emphasize international relations and the establishment of People to People headquarters in Kansas City. On Veterans Day, November 11, 1961, President Truman said, "Those who fought in the war thought it was the war to end all wars. It would have been if we had done our duty as a nation. Our failure to participate in the League of Nations was a factor in World War II . . . I was here in 1921, at the original dedication. It is a wonderful thing when people take on themselves a job that ought to be done . . . I hope this day will be a preliminary to continuing world peace." Today we continue to strive for world peace as we continue the job of what ought to be done.

In 1994 the deterioration of the Liberty Memorial had reached a critical stage and had to be closed. Once again the citizens, corporations and government responded. The State of Missouri appropriated the amount of \$15,000,000. The United States Congress approved my request for \$5,000,000. Foundations, corporations, private citizens and a Kansas City sales tax have resulted in an additional \$55,000,000. The culmination of the restoration project will be at the rededication ceremony this Saturday on May 25, 2002, when the Liberty Memorial will once again be opened to the public. The Liberty Memorial has renewed life from the work of artisan craftsmen, priceless oil paintings restored, bronze light fixtures refurbished, sky light in place, and the monument made structurally sound. This Saturday, May 25, 2002 the flame will once again grace the skyline of Kansas

City. Allied leaders, diplomats, international dignitaries and Ambassadors from Italy, France, Belgium and the United Kingdom have been invited to participate in the rededication of this very special monument, which represents the appreciation of those who gave their lives to preserve our freedom, "Less the Ages Forget."

On the base of the Liberty Memorial is an inscription which reads, "In Honor of Those Who Served in the World War in Defense of Liberty and Our Country." The top of the Memorial has four Guardian Spirits: Honor, Sacrifice, Patriotism and Courage. This Memorial Day weekend our prayers should include the brave men and women who serve in defense of Liberty and our Country with honor, sacrifice, patriotism and courage.

Mr. Speaker, please join me in commemorating one of our Nation's most cherished reminder of liberty and freedom, the restored World War I Liberty Memorial in Kansas City Missouri.

#### HONORING ASIAN-PACIFIC AMERICAN HERITAGE MONTH

#### HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 24, 2002*

Mr. SCHAKOWSKY. Mr. Speaker, it is my honor and privilege to stand before my colleagues and celebrate Asian-Pacific American Heritage Month. Asian and Pacific Americans have been a part of this country for over 200 years, with one of the first Asian American communities, the Filipino community, being established in the Louisiana Bayou in 1763. Asian and Pacific Americans have quickly established themselves as a strong and thriving community in this country, positively contributing to its industrial, educational and social successes. I am also proud to see the growing number of Asian and Pacific Islander Americans involved in the American political system at the local, state and national levels.

As this community continues to grow, it is important for all of us to continue to learn from each other. In the 9th Congressional District, I am very fortunate to represent a vibrant, productive, and diverse Asian-Pacific American community that totals over 70,000 people. The community is diverse, ranging from Chinese to Indian to Korean to Filipino to Samoan. Each subset of the Asian-Pacific American community has brought a rich culture and strong work ethic to my district. From restaurants to service stations to software companies, the Asian-Pacific American community has provided the services needed to keep the 9th Congressional district an enjoyable, safe and culturally rich place to live.

We recognize and cherish the contributions of the Asian-Pacific American community to our country. The Asian-Pacific American community has come so far in such a short period of time, and I am confident that it will only continue to grow and thrive while maintaining its many cultures and values.

#### ON WELFARE REFORM AND TANF REAUTHORIZATION LEGISLATION

#### HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 24, 2002*

Mr. UDALL of Colorado. Mr. Speaker, I cannot vote for this bill.

In 1996, Congress passed a largely successful welfare reform bill that gave states much more flexibility to manage their own welfare assistance programs as they saw fit. This approach has significantly reduced the number of people who need welfare and put many impoverished people into jobs that have brought their standard of living above the poverty level.

Still, there is more that needs to be done. The 1996 law has helped move people from welfare to work. But it has not had similar success in helping people escape poverty—and there is no reason anyone should live in poverty in the most prosperous country in the world.

And some important things have changed since 1996—right now, our economy is struggling to recover, many businesses have had to lay people off, and other firms even have had to shut down.

So, as we consider whether to renew or revise the 1996 law, we have both important opportunities and serious challenges. But this Republican Welfare reform bill does not rise to the occasion.

Their bill would penalize—not assist—people who are trying to escape poverty. Their bill takes away the flexibility states have had to develop their own programs. It discriminates against legal immigrants. It doesn't provide enough funding for childcare. It doubles the number of work hours required for mothers with children under the age of six and provides a new "superwaiver" authority to the President to waive almost any Federal requirement in food stamps and housing.

In short, its most important effect would be to make things worse, not better for millions of people—something I cannot support.

And that's not all—the Republican bill would make it harder for the States as well. It has been estimated that this bill dictates up to \$11 billion in unfunded mandates. In fact, I have seen estimates that my own state of Colorado might have to pony up an extra \$84 million to pay for Federal mandates.

I very much regret that the Republican leadership has insisted on depriving the House of the opportunity to pass a better bill. The substitute offered by the gentleman from Maryland, Mr. Cardin, contained many provisions focused on moving welfare recipients into real, wage-paying jobs. It would have provided the states with the discretion to determine the best mix of activities needed to move recipients toward self-sufficiency. It would have restored the option of states to provide assistance to legal immigrant families with Federal Temporary Aid to Needy Families (TANF) funds and eliminated the current ban on providing Medicaid to legal immigrant pregnant women and children. It would have provided an additional \$11 billion for mandatory child care funding over the next five years and would have increased access to education and training for welfare recipients.

And, that substitute did not include the new "superwaiver" authority that the Republican

bill gives to the President—a nearly unbounded authority that I think is excessive.

Mr. Speaker, I had hoped it would be possible for me to support balanced, bipartisan legislation to build on and broaden the success of the 1996 welfare reform law. In particular, I had hoped that the House would have the Opportunity to shape a new law that would do more than just get people off welfare roles, but instead would make it more likely that we could achieve the goal of ending poverty. Unfortunately, this bill does not come near to that, and I cannot support it.

#### CITIZEN SERVICE ACT OF 2002

#### HON. PETER HOEKSTRA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 24, 2002*

Mr. HOEKSTRA. Mr. Speaker, today I am introducing the Citizen Service Act of 2002 to reauthorize programs under the Corporation for National and Community Service. I would like to thank the Ranking Member of the Subcommittee on Select Education, Mr. ROEMER, for working with me to put together a bipartisan bill to reauthorize and reform the national service laws.

On April 9, 2002, President Bush unveiled his "Principles and Reforms for a Citizen Service Act" to guide the reauthorization of the Corporation for National and Community Service and its programs, which include AmeriCorps, Senior Corps, and Learn and Serve America. Since then, the Subcommittee on Select Education has worked in a bipartisan manner with the Administration to craft legislation to reform and enhance national service.

The major federally funded community service and volunteer programs in this country are authorized under two statutes: the National and Community Service Act and the Domestic Volunteer Service Act. The bill I am introducing today provides reforms and improvements to these national service laws. The improvements in the Citizen Service Act of 2002 will allow organizations and volunteers assisted under these acts to maximize their efforts and will greatly benefit those assisted through volunteer efforts.

The Citizen Service Act of 2002 focuses on four major objectives for reauthorization. This legislation will: (1) support and encourage greater engagement of citizens in volunteering; (2) make federal funds more responsive to State and local needs; (3) make federal support more accountable and effective; and (4) provide greater assistance to community-based organizations (which include religious organizations). This legislation also addresses several specific issues that will help to improve national service provisions found in current law.

Prohibition on Grants to Federal Agencies—Prohibits the Corporation from making grants to Federal agencies.

Literacy Programs—Requires literacy programs to be based on scientifically based reading research and ensures that programs provide instruction based on the essential components of reading instruction as defined in P.L. 107-110, the No Child Left Behind Act.

Funding Allocations—Allocates funding for AmeriCorps programs as follows: up to 20

percent of funds for national direct competitive grants; and at least 35 percent of funds for State competitive grants; and 45 percent of funds for States by formula based on population.

**Pilot Authority**—Authorizes the CEO of the Corporation to reserve funds to support pilot programs, such as member-based national service positions that allow participants to select community service activities.

**Referrals for Federal Assistance**—Prohibits funding for programs under the national service laws that only refer individuals to Federal and State assistance programs.

**Sex Education Programs**—Prohibits funding for sex education programs under the national service laws that do not meet the general prohibitions of P.L. 107-110, the No Child Left Behind Act.

**Parental Consent**—Requires consultation with the parents of children when developing and operating programs that include and serve children and requires the provision of the reason for, and permission of, parents before transporting minor children (consistent with State law).

**Accountability Measures**—Requires the Corporation to work with grantees to establish performance measures; requires grantees to design corrective plans if they fail to meet performance measures; and provides authority for the Corporation to reduce or terminate grants if corrections are not made.

**Limitation on Program Costs**—Caps Federal costs for programs under the national service laws at \$16,000. Permits the CEO of the Corporation to issue a waiver to assist grantees in meeting compelling needs (up to \$18,000 for costs related to such things as the participation of individuals with disabilities and initial start-up costs for religious organizations and up to \$20,000 for residential programs). Requires the CEO of the Corporation to report to Congress annually on all waivers granted.

**Senior Scholarships**—Authorizes a senior scholarship to support tutoring, mentoring, and other service by seniors, who may receive or transfer a \$1,000 scholarship.

**Senior Corps Income Eligibility**—Provides that a stipend may be made available to a Senior Corps participant with an income that is 200 percent of poverty (under current law it is 125 percent of poverty) and allows the Director to use up to 15 percent of funds for participants with incomes above 200 percent of poverty as long as the program, following innovative efforts to recruit, is not able to effectively recruit and place low-income participants.

The spirit of community service in our country is stronger than ever because of the tragedy our Nation has endured. Since so many Americans are looking for a sense of community and looking for ways to contribute constructively to their communities, we must take this opportunity to reform our Nation's service laws. The principles outlined by President Bush and included in the Citizen Service Act of 2002 seek to build on this spirit and will help to sustain it in the future. I urge my colleagues to join me and the other original co-sponsors in support of the Citizen Service Act of 2002.

## HONORING BUD DAY

## HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 24, 2002

Mr. JEFF MILLER of Florida. Mr. Speaker, today I would like to honor a man who, on many occasions, has been honored before by this great body. Today, however, after meeting this great man, after hearing so many times his heroic story, it is my privilege, as his Congressman, to present my constituent Colonel George Everett "Bud" Day.

Colonel Day, a prominent attorney in Northwest Florida, a family man, the most decorated military person since General Douglas MacArthur and a Medal of Honor winner will receive another distinction few people ever realize—Sioux City, Iowa, the birthplace of Colonel Day, will become the Sioux Gateway Airport/Col. Bud Day Field, a fitting tribute to this aviator's 137 flight missions in both Korea and Vietnam.

Mr. Speaker, the events leading to Colonel Day's Medal of Honor award are inspiring. I would like to resubmit, for the purposes of accurately portraying Col. Day's actions, a segment of the 1993 report of the Select Committee on POW/MIA's.

## THE REPORT OF THE SELECT COMMITTEE ON POW/MIA'S

(Senate—Feb. 3, 1993)

Col. George Day (U.S. Air Force): Col. George "Bud" Day was shot down over North Vietnam in August 1967. His right arm was broken in three places and his knee badly sprained. He was captured by hostile forces and immediately taken to a prison camp where he was interrogated and severely tortured. After causing the guards to relax their vigilance, Colonel Day escaped into the jungle and began the trek toward South Vietnam. He was the only POW to escape from prison in the north.

Despite injuries inflicted by fragments of a bomb or rocket, he continued southward surviving only on a few berries and uncooked frogs. He successfully evaded enemy patrols and reached the Ben Hai River, where he encountered U.S. artillery barrages. With the aid of a bamboo log float, Colonel Day swam across the river and entered the demilitarized zone. Due to delirium, he lost his sense of direction and wandered aimlessly for several days. After several unsuccessful attempts to signal U.S. aircraft, he was ambushed and recaptured by the Vietcong, sustaining gunshot wounds to the left hand and thigh.

He was returned to the "zoo," the prison from which he had escaped and later was moved to Hanoi after giving his captors false information in response to their questions. Physically, Col. Day was totally debilitated and unable to perform even the simplest task for himself. Despite his many injuries, he continued to resist. Furthermore, 37 months of his 5½ year imprisonment were spent in solitary confinement. Upon his release in 1973, Colonel Day was awarded the Congressional Medal of Honor for his heroic efforts.

Mr. Speaker, it is an absolute honor and privilege to represent Col. Bud Day. I commend the citizens of Sioux City in providing Col. Day this fitting tribute to their favorite son.

## TRIBUTE TO INTERNATIONAL ASSOCIATION OF LIONS CLUBS

## HON. KAREN MCCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, May 24, 2002

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise today to pay tribute to the International Association of Lions Clubs who will observe May 30th as Lions Youth Appreciation Day. Since 1917, Lions have served the world's population through hard work and commitment making a difference in the lives of people everywhere. With 1.4 million members serving in more than 44,600 clubs in 188 countries and geographical areas, Lions are recognized worldwide for their service to the blind and visually impaired. More than 139,000 of these members are young people between the ages of 12 and 28, and I congratulate these youth for their commitment to others.

Lions Club International was founded in Chicago, Illinois in 1917 and is the world's largest service club organization. Since that time, their Code of Ethics has guided the members in their quests to create and foster a spirit of understanding among the peoples of the world, promoting a world of compassion and tolerance. The Lions' International slogan is "Liberty, Intelligence, Our Nation's Safety (LIONS)." With over 15 Lions clubs in my district, the Youth Lions aim to provide young people of the world with opportunities for achievement, learning, and service, individually and collectively, through sponsorship of activities identified as best practices in the field of youth development. Evolving from the founding Lions' steadfast dedication to the blind and visually impaired, the Youth Lions have devoted their energy to a wide variety of philanthropic causes.

The Lions Club of Jackson, Platte, Clay and Cass Counties in Missouri are sponsoring a Youth Appreciation Night on May 30th, with special guest, Lions International President J. Frank Moore. His leadership theme, "Light the Path" focuses on implementation of several youth programs. Among the programs that have been particularly successful include: Leos and the Lions International Peace Poster Contest. Leos are young men and women of good character, ages 12 to 28, who are dedicated to making a difference in their communities. The peace poster contest was created in 1988 to give young people an opportunity to express their feelings and desire for peace. Since then, more than two million children from approximately 65 countries have participated in the annual contest.

The activities the youth Lions have taken part in deserve to be recognized. Cutting across all national, racial and cultural boundaries, Youth Lions activities have included work with the visually impaired, programs including drug education and prevention, diabetes detection and research, and work for international cooperation and understanding.

Mr. Speaker, I ask you to join me in saying "Congratulations and Thank you" to the International Association of Lions Clubs on Lions Youth Appreciation Day. May 30th is the perfect time to commemorate this wonderful organization for its commitment and dedication to making the community and world a better place through activism and service.

2002 SUPPLEMENTAL APPROPRIATIONS ACT FOR FURTHER RECOVERY FROM AND RESPONSE TO TERRORIST ATTACKS ON THE UNITED STATES

SPEECH OF

**HON. TAMMY BALDWIN**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 23, 2002*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4775) making supplemental appropriations for further recovery from and response to terrorist attacks on the United States for the fiscal year ending September 30, 2002, and for other purposes.

Ms. BALDWIN. Mr. Chairman, I rise to oppose the appalling strategy the Majority Party is using to raise our nation's debt limit and raid the Social Security Trust Fund. Our nation's families must make hard decisions to balance their budgets. We, in Congress, must do the same.

It is shameful that the Republican Majority seeks to raise our nation's debt limit by  $\frac{3}{4}$  of a trillion dollars by sneaking it through without a debate and without a vote. Especially when the bill before us addresses critical emergency needs.

Some may ask how the average American is affected by this Republican trick. They may ask why we as Democrats are fighting against this so hard and with such passion. It is because, by raising the debt limit, the Republicans are clearing the way to dip into the Social Security Trust Fund.

I've been listening carefully as my Democratic colleagues have spoken about the impact of this shameful move on our nation's senior citizens and the baby boom generation as it's members approach their retirement years. I want to address the way in which this affects our nation's younger adults and our nation's children.

Many of our nation's younger adults are in what has been called the "sandwich" generation . . . balancing the care of their parents (or grandparents) with a new career or a new family of their own. Until she passed away last year at age 94, I was the primary caregiver for my grandmother. I helped her in a variety of ways and one was helping her with her budget, paying her bills and balancing her checkbook. I know how much of a difference her Social Security income made for her. But the independence that Social Security helped my grandmother maintain, didn't only help her, it helped me too.

Protecting Social Security is a commitment we made to our seniors, but it is ALSO a commitment we made to families. Who among us would turn our backs on our parents or grandparents? It is just as important to YOUNG PEOPLE that we have Social Security and Medicare as it is to our seniors because it keeps our families and communities strong!

We talk so much about protecting Social Security in the near-term. But what about the youngest generation?

I have two young cousins, Jennifer and David. Jennifer is five years old and David is three. Jennifer will retire in the year 2062 and

David will retire in 2064. What will the world look like then? None of us know. But I do know that in Congress, I want to leave a legacy for Jennifer and David, and all the boys and girls of their generation. In addition to wanting Jennifer and David to have the best education, great health care, and a good job, I want them to have a secure retirement that includes Social Security.

The back-handed actions the Majority takes today to raise the debt limit hurts this nation's young children and young adults in yet another way. You've heard the Majority throw around the phrase "tax and spend," often aiming their words at the Minority. Well what we are seeing today is "borrow and spend." Borrow from Social Security and Medicare so you can give big tax breaks to American millionaires and wealthy corporations and don't sweat it . . . because when you borrow, you can leave it to the next generation to pay. It is not fair to young Americans that they will have to suffer and struggle with the consequences of today's actions.

I believe that together we can achieve the goal of preserving the integrity of Social Security for future generations. But we cannot do it together if the Republican party insists on using surreptitious ways to increase the debt limit by \$750 billion without any public debate and without even a straight-forward vote.

We need to work out a bipartisan plan to protect Social Security and responsibly address the debt limit. We need to keep our commitment to all hard-working families to safeguard Social Security. We owe it to our grandparents to protect Social Security. We owe it to our parents to be fiscally responsible. We owe it to our own generation to keep within our means. And we owe it to our children to fulfill the legacy of a secure retirement. If we accept this language on our country's debt limit today without a fair debate and vote, we will owe more than money to future generations—we will owe them an apology for having broken their trust and broken our promises.

I yield back.

2002 SUPPLEMENTAL APPROPRIATIONS ACT FOR FURTHER RECOVERY FROM AND RESPONSE TO TERRORIST ATTACKS ON THE UNITED STATES

SPEECH OF

**HON. PHILIP M. CRANE**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 24, 2002*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4775) making supplemental appropriations for further recovery from and response to terrorist attacks on the United States for the fiscal year ending September 30, 2002, and for other purposes.

Mr. CRANE. Mr. Chairman, time and time again I have heard my colleagues on the minority side assure us of their patriotism. Let me begin by saying that neither I, nor any of my colleagues on the majority side, have called anyone's patriotism into question.

Are Democrats really opposed to raising the debt limit? I submit the answer to that is "of

course not." In fact, it was raised a number of times during the 40 years of Democrat leadership in this House. I am quite sure that all, or nearly all of the Members in this body realize we have to raise the debt limit and we have to raise it now. And yet we're told that to do so would be fiscally irresponsible.

Now, during a time in which we face the after effects of an economic slowdown; during a time in which we must spend many billions of dollars fighting a war in Afghanistan, securing our homeland, and rebuilding Manhattan; and during a time in which it is clear to everybody that the debt limit must be raised, our friends cry foul. Fiscally irresponsible, they say.

Never mind that the Republican-controlled Congress spent down the public debt by some \$450 billion between Fiscal Year 1997 and Fiscal Year 2001. Never mind that the need to raise the debt limit is mostly attributable to growth, as designed and desired, in debt held by government accounts. Never mind that over the 40 years of Democrat majority we had to raise the debt limit multiple times because the government needed to finance deficits due to out-of-control spending. And never mind that the crisis resulting from the events of 11 September has undoubtedly pushed us right up against the \$5.95 trillion debt ceiling allowed under current law. Never mind any of that. We're fiscally irresponsible.

We do seek to increase the debt limit. We do so against a backdrop whereby we have one, a history of fiscal discipline where the minority does not, and two a responsible wartime budget resolution where the minority does not; and three, a plan to save social security where the minority has none.

I bring up social security for a reason, Mr. Chairman. I am saddened that the minority has spent today in the same manner as they usually choose to spend every other October: scaring our senior citizens. They imply that a vote for this legislation, which devotes nearly \$16 billion to the Department of Defense, \$5.8 billion to homeland security, and \$5.5 billion to assist New York, somehow puts the solvency of the social security trust fund in jeopardy. That is, of course, preposterous.

It is easy for the minority to sit back and cry foul, but I would ask all of my colleagues the following questions: has the minority done anything but attempt to obstruct? Have they come to the table over the last months with any serious budget ideas? The answer to these questions, regrettably, is "no."

That, Mr. Chairman, is unfortunate, because I have worked so often in the past with my Democrat colleagues, who usually have so much to offer in the way of constructive ideas.

If my Democrat colleagues are going to obstruct proceedings because they say raising the debt limit is fiscally irresponsible, well, I will let that excuse speak for itself. The American people know better than that. They know that during this time in our nation's history, a little flexibility is needed. And they know that we will continue passing responsible budgets. In the future, I truly hope we will do so with the support of my Democrat friends.

PROTECTING THE RIGHTS OF THE  
WOMEN AND GIRLS OF AFGHANI-  
STAN

**HON. JANICE D. SCHAKOWSKY**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, May 24, 2002

Ms. SCHAKOWSKY. Mr. Speaker, as our operations continue and we begin to help rebuild Afghanistan, it is important to stress the needs and rights of women and young girls in that nation. Women and young girls in Afghanistan have been suffering incredible abuses ever since the extremist Taliban regime seized control of the country. Although the Taliban have now been removed from control in Afghanistan, it is deeply disturbing to me that women and girls continue to be abducted, raped, and abused within the country. The denial of employment and education rights for most women and girls is equally troubling and we must improve these conditions if equality is to exist between men and women in Afghanistan.

H.R. 3994, the Afghanistan Freedom Support Act, provides the kind of assistance and aid that Afghanistan needs to develop into an economically stable and democratic nation. Equally important is the fact that it seeks to reestablish the participation of women and girls in government, education, and the workplace, as well as provides support for the Ministry of Women's Affairs. This is a very important step in ensuring that the women and young girls of Afghanistan are full, active participants in the building of a new Afghan government. A true democratic government represents all the people of its nation, regardless of race, religion, or gender. The Taliban treated women and girls like second class citizens who were forced to live their lives through the oppressive ideals of others, and this must never happen again.

The persecution of women and girls in Afghanistan must come to an end. Afghanistan will improve its conditions quickly by allowing women and girls to receive an education, to be granted opportunities to gain employment, and to play a role in the governing process of the nation.

Mr. Speaker, I urge my colleagues to support of H.R. 3994, not only to help rebuild a nation but also to help protect the rights of women and girls of Afghanistan because it is time for their suffering to stop.

IN RECOGNITION OF JOANN  
DITMER

**HON. MARK UDALL**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, May 24, 2002

Mr. UDALL of Colorado. Mr. Speaker, I rise today to congratulate Joanne Ditmer on being awarded the prestigious Dana Crawford Award for Excellence in Historic Preservation. The award is named after Dana Crawford who has been a pioneer in historic preservation since the 1960s. I join all Coloradans today in thanking Ms. Ditmer for her many invaluable contributions to historic preservation in our state.

Joanne Ditmer is a salient example of the power of the written word. Since her column, "Raising the Roof" began appearing in The

Denver Post in 1962, Joanne Ditmer has used that forum to highlight the importance of preserving Colorado's history for future generations. Without question, she has been an integral part in raising awareness about conservation and preservation-related causes. For over 40 years, the general public and elected officials alike have turned to Ms. Ditmer's column as a gauge for Colorado's conservation climate.

She is a respected columnist and a tireless advocate for preserving our unique Colorado history. Mr. Speaker, I ask my colleagues to join me in congratulating Ms. Ditmer on receiving the Dana Crawford Award for Excellence in Historic Preservation. Her accomplishments in preserving Colorado heritage are invaluable, and I wish her good health and happiness in the future. Provided here is an example of her passion and prose on preservation, from the Denver Post.

BRINGING LIFE TO OLD STRUCTURES

(By Joanne Ditmer)

Sunday, May 19, 2002.—Historic preservation was born in the Battle of the Bulldozer. The wrecking ball was a demolition derby against buildings of Colorado's past, as horrified citizens struggled to keep the historic structures that define a community's soul and spirit.

Three decades later, it's Brains over Brawn. Savvy people craft increasingly ingenious new ways to save and give new life to distinctive old buildings.

These memories particularly surface in May, National Historic Preservation Month. In Denver and other communities, the sense of place and unique character is shown in historic structures.

The impact of preservation goes far beyond saving old buildings. It's the immediacy and liveliness of the efforts. In Colorado, the Historic Gaming Fund, with money from proceeds in the three gambling towns, is inspiring imaginative solutions.

And Colorado Preservation Inc.'s annual list of Endangered Places brings new attention to significant structures that are endangered.

Among the continuing efforts:

When Historic Denver undertook saving the Paramount Theatre in 1978 and formed a separate foundation to continue the work, it saved the last of Denver's opulent downtown movie palaces.

Years later, when a bank called a loan, HD couldn't immediately repay. Ownership went to a private individual and another non-profit foundation was formed. Now there are two petitions on the street: One would prohibit any new theater of more than 5,000 seats—presumably aimed at the tent theater by the Pepsi Center—and another, possibly retaliatory petition demanding that the Paramount owner put in \$600,000 of improvements. A pox on both.

Handsomeness church buildings are the most memorable landmarks of a neighborhood, but when older areas change and church members move to the suburbs, the support dries up.

Faith Action was formed by Historic Denver and others to help find funds and uses for 30 of the most threatened churches, the majority of them more than 100 years old. Look down the 16th Street Mall toward Highlands, and you'll see the beautiful 1890 Asbury Church. A new congregation numbers only a couple dozen, and can't afford upkeep. Some practical help came from Ron Judish, who moved his contemporary art gallery to the lower floor.

The Masons have given Denver some marvelous buildings, but these, too, face prob-

lems. The wonderful El Jebel at 1770 Sherman St., with its absolutely amazing interior spaces, has been endangered in recent years. Current hopes lie with the new owners, who are working to support the building through special events—parties, weddings, etc.—and through a high-rise condominium building to be constructed next door on the parking lot.

Preservation efforts of schools are among the most optimistic. Historic Denver and Denver Public Schools formed a partnership program, with a community committee finding 56 school buildings eligible for landmark designation.

The City Council has designated 23 schools so far. In each school, students in second to 12th grades do the research on the history and architecture, and present the nomination. Some 500 kids have been involved, making scrapbooks, videos and school models. That's certainly bringing new life to old buildings.

2002 SUPPLEMENTAL APPROPRIATIONS ACT FOR FURTHER RECOVERY FROM AND RESPONSE TO TERRORIST ATTACKS ON THE UNITED STATES

SPEECH OF

**HON. CHRISTOPHER H. SMITH**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 2002

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4775) making supplemental appropriations for further recovery from and response to terrorist attacks on the United States for the fiscal year ending September 30, 2002, and for other purposes:

Mr. SMITH of New Jersey. Mr. Chairman, as Chairman of the House Veterans' Affairs Committee, I rise to commend the Appropriations Committee, Chairman BILL YOUNG, and particularly Subcommittee Chairman JIM WALSH, for including \$417 million in urgently needed funding for veterans medical care.

As most of my colleagues know from listening to their constituents, the demand for VA health care services has risen significantly in the past several years. The Department of Veterans Affairs has had to make mid-year changes to their projections of VA health care usage because of the dramatic increase in veterans seeking to enroll. In fact, the VA's latest budget submission projects that almost 700,000 more veterans will receive VA care in 2003 than they had projected just one year ago.

The dramatic upsurge in demand facing the VA is real and substantial. With hundreds of new VA community outpatient clinics opened in recent years, veterans are now finding that VA health care is available much closer to home.

Prescription drug costs have risen dramatically in the past several years, while seniors' incomes levels have remained level. This has created a great demand for VA-provided prescription drugs.

Mr. Chairman, the response to increased demand for VA health care services should not be to curtail services or limit access for veterans in any way, but rather to provide sufficient resources to pay for veterans' health care. America has a special obligation to care



for former soldiers, sailors, airmen and marines who risked their lives to protect our freedoms and this legislation is another step towards meeting that sacred obligation.

The inclusion of \$417 million for VA medical care is a responsible and absolutely necessary action that this Congress must take. Again, I want to commend Chairman YOUNG, and Subcommittee Chairman WALSH, for once again demonstrating their commitment to America's veterans.

2002 SUPPLEMENTAL APPROPRIATIONS ACT FOR FURTHER RECOVERY FROM AND RESPONSE TO TERRORIST ATTACKS ON THE UNITED STATES

SPEECH OF

**HON. MAJOR R. OWENS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 23, 2002*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4775) making supplemental appropriations for further recovery from and response to terrorist attacks on the United States for the fiscal year ending September 30, 2002, and for other purposes!

Mr. OWENS. Mr. Chairman, all members of Congress were ready to debate and pass a supplemental budget in support of the war effort, and for other emergencies. We have been shocked by the addition of a section which raises the national debt ceiling by 750 billion dollars. This giant expenditure without debate is designed to protect the massive Republican tax cut for the rich. This legislation represents a gross abuse of power.

Mr. Chairman, this gross abuse of power must be challenged. The Republican juggernaut is out of control and they must be exposed in the eyes of the American people. Through an undemocratic, autocratic process under the camouflage of parliamentary tricks, the Republicans are staging an economic coup using a tax cut to permanently place the rewards of our economy in the hands of the corporate elite. The supplemental budget process is being abused to protect and enshrine the tax cut for the rich. It is a clear statement that the Republicans claim the nation's resources for the benefit of the rich alone.

Republicans are declaring, that the constitutional infrastructure established by the founding fathers and nurtured by succeeding generations belongs only to the rich elite. The Republicans are seizing for themselves alone all of the wealth that flows from American scientific and technological achievement; from military research and testing; from grants for domestic research. All the wounds and battlefield deaths of American heroes in all the wars are now deemed to be for the sake of only the rich. A massive tax cut for the rich accomplishes the clear purpose of leaving the treasury emptied of all funds that might be used for the benefit of the poorer ninety percent of the population. The Republican action makes more than 200 years of struggle for a more perfect union only for the comfort of the rich. By their actions related to the supplemental budget the Republicans confiscate America the Beautiful as America for the rich and pow-

erful. Will these same rich and powerful recipients of the tax cut volunteer for the front lines if the war against terrorism is prolonged and a draft becomes necessary? Will those who have the most to lose step forward or will the draft again be a vehicle which forces the sons of working families to die to preserve the comforts of the rich? The public must be fully made to understand the cynical, selfish, cold blooded posture of Republican policy. Republicans never voted for social security, medicare or medicaid. Republicans refuse to raise the minimum wage. Currently, as well as in the past, Republicans do not hide their plot to strip the Federal government of programs that benefit working families and the unfortunate poor. More than a decade ago David Stockman wrote a book outlining the plot that Ronald Reagan could not quite complete. With this stealth effort to raise the debt ceiling without debate, the scheme to kidnap the Treasury is given new life. Despite the extra expenditures for the war against terrorism, there would be no necessity to increase the debt ceiling by 750 billion dollars if the Republican tax cut for the rich had not been rammed through in the first year of this session of Congress. Every Democrat has a duty to sound the trumpet and spread the word that an economic takeover, a fiscal coup is underway that will rob our Nation and make it impossible to provide a prescription drug, benefit; increased funds for education and school construction; and adequate day care and children's programs. Every voter must understand that this defiant Democratic initiated debate on the eve of Memorial Day is a landmark battle for the people against the selfish few.

2002 SUPPLEMENTAL APPROPRIATIONS ACT FOR FURTHER RECOVERY FROM AND RESPONSE TO TERRORIST ATTACKS ON THE UNITED STATES

SPEECH OF

**HON. GREGORY W. MEEKS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 23, 2002*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4775) making supplemental appropriations for further recovery from and response to terrorist attacks on the United States for the fiscal year ending September 30, 2002, and for other purposes:

Mr. MEEKS of New York. Mr. Chairman, I come to the floor tonight to voice my utter disgust for what we as Members of Congress, representatives of our great nation, have to do here tonight. We as representatives of our constituencies must voice that we will not stand by idly and let a few destroy everything America's workers have diligently worked for all their lives. Though we may not win this battle, which is rumored not to end until early in the morning, know that we, those who truly represent working Americans, will not stop fighting this legislative battle.

Over the last 15 months, we have experienced the worst fiscal reversal in our nation's history—with \$5 trillion in projected surpluses over the next 10 years having disappeared. Last year, it was projected that publicly-held

national debt would be completely paid off by 2008. And yet now, due largely to the economic plans put in place last year by the Bush Administration and Congressional Republicans, the publicly-held national debt is going up and not down. As a result, the country is now hitting the current statutory debt limit of \$5.95 trillion.

But some of us, those who continue to fight for American workers, children, and seniors saw this coming. In face of a deteriorating economic picture, Democrats pleaded for Republicans to join us at an economic summit so we could put our country back on the path to long-term economic growth and opportunity. Instead of working towards this goal, our attempts were dismissed and now we have experienced a dramatic reversal of continued prosperity, a dramatic reversal of a growing hope to increase education spending, a dramatic reversal of saving seniors from losing the money they put into social security, and a dramatic reversal of a decreased percentage of unemployed workers to a steadily increasing number of unemployed workers facing more hardships by the dozen.

Today, I stand here fighting a battle with my colleagues. A battle that calls for us to think twice about what we as a governing body will do if this legislation is passed. If the debt ceiling is raised we can no longer envision our plan to leave no child behind. We can no longer envision our plan to continuously provide social security to all of our seniors. We can no longer envision our plan to level off the current unemployment rates. The bottom line is that so much of what America stands for and yearns to become can be washed away with final passage of this supplemental appropriations bill that provides much more than what we can afford. We thought the tax cuts passed by the majority would slowly chip away at the American dream of so many, but we were in for such a surprise. Yes, there was much more in store. What was in store was this supplemental. Think about it. Think about the chipping away of our nation's future. Think about denying Americans what they deserve and have worked for all their lives. Think hard. Think if you want to take the blame for what will surely come. Once every Member in this governing body truly does this, each will know that we should not, cannot, and must not pass this legislation.

2002 SUPPLEMENTAL APPROPRIATIONS ACT FOR FURTHER RECOVERY FROM AND RESPONSE TO TERRORIST ATTACKS ON THE UNITED STATES

SPEECH OF

**HON. JERROLD NADLER**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 23, 2002*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4775) making supplemental appropriations for further recovery from and response to terrorist attacks on the United States for the fiscal year ending September 30, 2002, and for other purposes:

Mr. NADLER. Mr. Chairman, I rise today to thank the President, the Speaker, Chairman

YOUNG, Ranking Member OBEY and every Member of this House for fulfilling the commitment that was made to New York in the wake of 9/11. While there are many controversial issues in this supplemental, the funding for New York is not one of them. This bill fulfills President Bush's commitment to spend a minimum of \$20 billion in New York to help my City recover from the devastating attack of September 11th, and for that I say thank you.

This disaster is like no other in our nation's history. An urban area has been devastated due to an act of terrorism. Many federal agencies have stepped in to help New York recover including FEMA, HUD, Department of Health and Human Services, and the Department of Justice. And while we appreciate all they have done, I must ask the Members of this House to continue to stand with New York to ensure that the EPA does a proper environmental clean-up of indoor air and that FEMA continues to exercise maximum flexibility to help the individuals, families and institutions that continue to suffer as a result of 9/11. I must ask this House to be patient if the New York delegation needs to return in the coming months and years to ask that the money in this bill is reprogrammed or redirected to ensure it has a positive impact on New York. I must ask this House to understand that we are grateful for your support, for your generosity, and for your compassion, but please help us finish the job in a proper, efficient, and as cost-effective manner as possible.

Again, thank you to every Member of this House—New Yorkers look forward to your continued support.

**2002 SUPPLEMENTAL APPROPRIATIONS ACT FOR FURTHER RECOVERY FROM AND RESPONSE TO TERRORIST ATTACKS ON THE UNITED STATES**

SPEECH OF

**HON. ED PASTOR**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 23, 2002*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4775) making supplemental appropriations for further recovery from and response to terrorist attacks on the United States for the fiscal year ending September 30, 2002, and for other purposes:

Mr. PASTOR. Mr. Chairman, it is with great reluctance that I am voting in favor of this bill.

This supplemental left the Appropriations Committee with strong bi-partisan support after careful consideration and compromise by Members on both sides of the aisle. Then, the leadership presented us with a rule that adds four self-executing provisions which had not been subject to any debate by the Committee. All four of these additions are unrelated to the purpose of this supplemental, which was to meet immediate and critical funding shortfalls, most prominently those related to our military operations in support of the war on terrorism.

Of the four unrelated new provisions, the most troublesome is language which in essence allows increases to the government's debt ceiling without formal consideration by all Members of the Congress. This approach to

our nation's fiscal crisis, which will soon be putting us in deficit spending, is unconscionable and irresponsible. Perhaps most disturbing is that the language being introduced is so open-ended, it could be construed as meaning that we will no longer have the opportunity to review debt ceiling changes in the future.

On the other hand, any further delay on passing the crucial funding provisions threatens the well-being of our courageous military forces who are currently dedicating themselves to our national defense in harsh and dangerous environments outside our borders. In addition, the measure provides much needed funding to crucial activities including: homeland security, Pell Grants, September 11th investigations, first responder health precautions, highway funding, the WIC program, and veterans' medical needs. Rather than hold these needs hostage to a partisan effort by the leadership to avoid putting itself on record over raising the debt ceiling, I am voting for this bill with the understanding that this is simply the first step in getting a bill approved and I remain hopeful this entire issue will be stripped from the legislation as it makes its way through the final process.

**2002 SUPPLEMENTAL APPROPRIATIONS ACT FOR FURTHER RECOVERY FROM AND RESPONSE TO TERRORIST ATTACKS ON THE UNITED STATES**

SPEECH OF

**HON. CHRISTOPHER SHAYS**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 23, 2002*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4775) making supplemental appropriations for further recovery from and response to terrorist attacks on the United States for the fiscal year ending September 30, 2002, and for other purposes.

Mr. SHAYS. Mr. Chairman, I rise in support of Supplemental Appropriations Act. Congresswoman ROSA DELAURO and I would have offered an amendment to reclassify the hospitals in Connecticut's Fairfield and New Haven Counties into the New York City Metropolitan Statistical Area (MSA). Unfortunately, we were not able to offer this amendment, but I hope in the future we will be able to address this issue.

Fairfield County borders the New York state line and is only 30 miles from Manhattan. There are six hospitals in the county, four of which have been periodically reclassified on a temporary basis into the New York MSA.

Despite paying wages which are only 10 percent less than the wages paid by hospitals in the New York MSA, Fairfield County's wage index is 17 percent less than the New York MSA. The Fairfield County hospitals need to be on a level playing field with the New York hospitals to be able to attract and retain highly skilled clinical staff.

Fairfield County is widely recognized as being part of the New York Metropolitan Area geographically, economically and socially. In fact, the Census Bureau counts Fairfield County in the same Consolidated Metropolitan

Statistical Area (CMSA) as New York City. This determination is based on population figures, commuting patterns, employment data, and the overall economic and social integration of the surrounding areas with the City. In fact, fully 11 percent of Stamford Hospital's labor pool resides in New York.

In addition, the Federal Reserve Bank, the Department of Labor, and the Bureau of Transportation Statistics all include Fairfield County with New York City for statistical purposes. A letter from Rae Rosen of the Federal Reserve Bank of New York states, "A significant portion of Fairfield County commutes to New York City where a significant portion of the county's income is earned."

The National Association of Realtors groups Fairfield County housing prices with other New York metropolitan area housing prices because the markets are similar in many ways and provide the housing for the greater New York metropolitan area labor market.

Mr. Chairman, by not reclassifying these hospitals, they are being penalized for efficiency. They have gone to great lengths to control costs, especially personnel costs by re-vamping their labor skill mix. However, rather than be rewarded for these cost-containment measures, Stamford, Norwalk and Bridgeport are penalized by the Medicare reclassification thresholds.

The six hospitals in Fairfield County are the type of hospital that Congress intended to help when it created the geographic reclassification process.

Mr. Chairman, I support this legislation and I would urge my colleagues to vote in favor of it.

**2002 SUPPLEMENTAL APPROPRIATIONS ACT FOR FURTHER RECOVERY FROM AND RESPONSE TO TERRORIST ATTACKS ON THE UNITED STATES**

SPEECH OF

**HON. CAROLYN B. MALONEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 23, 2002*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4775) making supplemental appropriations for further recovery from and response to terrorist attacks on the United States for the fiscal year ending September 30, 2002, and for other purposes.

Mrs. MALONEY of New York. Mr. Chairman, I rise to strike the requisite number of words.

Support from Congress and the President has been essential in recent months in working to secure New York's recovery after 9/11.

The significant funds committed from Congress and the President are deeply appreciated by those in New York who were so personally affected by catastrophic terrorism.

But simply appropriating aid has proven far different than actually delivering these funds in a timely manner to the people who really need help in New York.

Sadly, Mr. Chairman, the agency charged with the disbursement of these funds FEMA—has on several occasions refused to help or stalled in helping specific people and institutions in New York, from the public school system, to utilities and private universities, to the

thousands of individuals in lower-Manhattan who were denied aid because they didn't fit into rigid standards adopted by FEMA.

In recent weeks, several of us in the New York delegation, with Chairman YOUNG and Ranking Member OBEY on the Appropriations Committee, have tried to ensure that the needs of New York are addressed as it recovers from the terrorist attacks of September 11th.

And as a representative of New York City, I wish to thank the Appropriations Committee for its work on behalf of New York.

The Committee is truly a friend of New York and we appreciate your work and commitment.

But FEMA has shown a clear inability to streamline the delivery of aid to New York when it is not given clear direction through statements of intent from Congress.

As the supplemental appropriations bill advances today, several concerns remain outstanding about the timeliness of the response from FEMA on a number of issues—including the need for funding for New York City's public school system to make up lost class time, to pay for crisis counseling to students who experienced trauma, and for the reimbursement of several direct expenses to the school system.

In addition, the City of New York faces significant costs in overtime pay to emergency workers, police officers, fire fighters, and law enforcement personnel as a result of 9/11.

FEMA at this time, is not reimbursing the city for these costs and there have been problems with overly restrictive rules as well as interpretations for eligibility for direct assistance.

The lesson is clear—if funds are appropriated for FEMA without clear directives on its use, large portions of 9/11 aid meant for those in need will languish in bureaucratic red tape for months on end.

Recently we have started to see a vast improvement in FEMA's response, particularly with the annulment of its decision that New York University would not qualify for assistance.

We now have a choice: we can hope that this glimmer of good judgment magically reverses a pattern of problems with FEMA, or we can ensure that the aid appropriated by this Congress is actually delivered to those in

need, by accepting the Senate version of this bill in conference committee, which specifically directs FEMA to allocate funds for the people and institutions in New York that have been wrongly denied so far.

I would hope that this Congress does everything in its power to ensure that the money we intend to go to the people of New York for recovery, is actually given to the people of New York who need it.

---

HONORING AN ORANGE COUNTY  
WAR HERO

**HON. CHRISTOPHER COX**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, March 24, 2002*

Mr. COX. Mr. Speaker, I rise today in remembrance of a true American hero and a long time resident of Irvine, California, United States Marine Corps Colonel William E. Barber. Col. Barber passed away at the age of 82 this past April and will be buried today at Arlington National Cemetery with full military honors.

Born in West Liberty, Kentucky, on November 30, 1919, he attended Morehouse State College in Kentucky and enlisted with the Marines in 1940. Col. Barber won distinction on the battlefield in World War II, Korea, and Vietnam. As a young Second Lieutenant fighting on the beaches of Iwo Jima in 1943, Col. Barber was wounded twice, earning himself a Purple Heart as well as a Silver Star for bravery.

Col. Barber is perhaps best known, though, for his valor above and beyond the call of duty, during the Korean War, in one of our military's worst defeats—the battle for the Chosin Reservoir. As 120,000 Chinese troops swept across the Yalu River to aid their North Korean allies, Col. Barber and the U.S. forces were forced to fight through bitterly cold temperatures and to retreat in the face of overwhelming opposition. At the time, Col. Barber was a seasoned Captain in command of F (Fox) Company, 2d Battalion 7th Marines, 1st Marine Division.

Fox Company and its 220 men were assigned to defend a three-mile stretch of moun-

tain pass along the division supply line—the only route of retreat for 8,000 Marines being overrun at Yudam-ni in the Chosin Reservoir and who were attempting to retreat to Hagaru-ri. Outnumbered 5 to 1 by enemy forces for five days and six nights, Col. Barber and the men of Fox Company fought a ferocious battle to keep control over the mountain pass. After two attempts by reinforcements to reach Col. Barber's isolated position were thwarted, he risked complete annihilation by remaining to hold his position rather than abandon the pass and strand the Marines in Yudam-ni. Despite being severely wounded in the leg, Col. Barber continued to lead, often from a stretcher, through the bitter fighting. After almost a week of constant fighting only 82 of the original 220 men of Fox Company could walk out under their own power. They had accounted for approximately 1000 enemy dead and held their position, but suffered dearly for their valiant actions.

With this selfless act of bravery in the face of danger, Col. Barber became one of the only soldiers during the Korean War to be awarded the Congressional Medal of Honor—the highest military award a member of our armed forces can attain.

After retiring from the Army, Col. Barber moved to Orange County, California where he and his wife of 60 years, lone, lived and worked as proud members of our community, supporting veterans and youth activities at every opportunity. Col. Barber was known by everyone as a humble and unassuming man—a man who did not need to boast of his military exploits or service to his country. He was a regular speaker at Memorial Day events, and often enjoyed leading groups of 5th graders in discussion at the annual "Walk of Honor" events held at the Hall of Administration in Santa Ana, California.

Mr. Speaker, it is an honor to have represented this man of honor, one who so bravely answered his country's call three times. I am also honored to have had the opportunity to remember him today as he is buried in our nation's National Cemetery alongside so many other American heroes. This was a man who truly went above and beyond the call of duty for his country.

# Daily Digest

## HIGHLIGHTS

The House passed H.R. 4775, 2002 Supplemental Appropriations Act for Further Recovery From and Response To Terrorist Attacks on the United States.

## Senate

### *Chamber Action*

The Senate was not in session today.

### *Committee Meetings*

No committee meetings were held.

---

## House of Representatives

### *Chamber Action*

**Measures Introduced:** 1 public bill, H.R. 4854, was introduced. **Page H3072**

**Reports Filed:** Reports were filed today as follows: Conference report on S. 1372, to reauthorize the Export-Import Bank of the United States (H. Rept. 107-487). **Pages H3064-69, H3072**

**Speaker Pro Tempore:** Read a letter from the Speaker wherein he appointed Representative Simpson to act as Speaker pro tempore for today. **Page H3039**

**Supplemental Appropriations:** The House passed H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002 by a yeas-and-nay vote of 280 yeas to 138 nays, Roll No. 206. The bill was also considered on May 22 and May 23. **Pages H3045-64**

Rejected the Obey motion that sought to recommit the bill to the Committee on Appropriations with instructions to report the bill forthwith with an amendment that strikes section 1403, which provides statutory assurance that the United States Government will take all steps necessary to guarantee the full faith and credit of the government by a recorded vote of 201 yeas to 215 noes, Roll No. 205. **Pages H3062-63**

Pursuant to the rule, the amendments that strike section 101, dealing with the FDA; strike sections 604 and 605, dealing with the United States Population Fund; and strike section 1104, dealing with Department of Transportation unobligated balances of funds were considered as adopted. **Page H3045**

The House agreed to H. Res. 431, the rule that provided for further consideration of the bill by a

yeas-and-nay vote of 213 yeas to 201 nays, Roll No. 204. **Pages H3039-45**

**Memorial Day District Work Period:** The House agreed to S. Con. Res. 118, providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives. **Pages H3069-70**

**Calendar Wednesday:** Agreed to dispense with the Calendar Wednesday business of Wednesday, June 5. **Page H3070**

**Resignations—Appointments:** Agreed that notwithstanding any adjournment of the House until Tuesday, June 4, the Speaker, Majority Leader and Minority Leader be authorized to accept resignations and make appointments authorized by law or by the House. **Page H3070**

**Speaker Pro Tempore:** Read a letter from the Speaker wherein he appointed Representative Morella to act as Speaker pro tempore to sign enrolled bills and joint resolutions through June 4. **Page H3070**

**Quorum Calls Votes:** Two yeas-and-nay votes and one recorded vote developed during the proceedings of the House today and appear on pages H3045, H3062-63, and H3063-64. There were no quorum calls.

**Adjournment:** The House met at 1 a.m. and at 3:03 a.m. pursuant to the provisions of S. Con. Res. 118, the House stands adjourned until 2 p.m. on Tuesday, June 4, 2002.

### *Committee Meetings*

No committee meetings were held.

*Next Meeting of the SENATE*

1 p.m., Monday, June 3

## Senate Chamber

Program for Monday: To be announced.

*Next Meeting of the HOUSE OF REPRESENTATIVES*

2 p.m., Tuesday, June 4

## House Chamber

Program for Tuesday: To be announced.

## Extensions of Remarks, as inserted in this issue

## HOUSE

Abercrombie, Neil, Hawaii, E925  
 Baker, Richard H., La., E907  
 Baldacci, John Elias, Maine, E911, E923  
 Baldwin, Tammy, Wisc., E934  
 Barcia, James A., Mich., E899, E900, E913, E925  
 Becerra, Xavier, Calif., E924  
 Berman, Howard L., Calif., E900  
 Blumenauer, Earl, Ore., E906  
 Capito, Shelley Moore, W.Va., E911, E922  
 Capuano, Michael E., Mass., E901  
 Coble, Howard, N.C., E906  
 Cox, Christopher, Calif., E908, E938  
 Crane, Philip M., Ill., E934  
 Crenshaw, Ander, Fla., E923  
 Davis, Danny K., Ill., E915, E931  
 Davis, Susan, Calif., E917, E921  
 DeFazio, Peter A., Ore., E927  
 DeMint, Jim, S.C., E908  
 Deutsch, Peter, Fla., E926  
 Dingell, John D., Mich., E919  
 Emerson, Jo Ann, Mo., E927  
 Eshoo, Anna G., Calif., E915, E922  
 Etheridge, Bob, N.C., E910  
 Faleomavaega, Eni F.H., American Samoa, E921  
 Filner, Bob, Calif., E904  
 Gallegly, Elton, Calif., E912  
 Gilman, Benjamin A., N.Y., E929

Hall, Tony P., Ohio, E908  
 Hoekstra, Peter, Mich., E932  
 Honda, Michael M., Calif., E900  
 Hooley, Darlene, Ore., E903, E927  
 Hoyer, Steny H., Md., E929  
 Hyde, Henry J., Ill., E923  
 Jenkins, William L., Tenn., E911  
 Jones, Walter B., N.C., E907  
 Kennedy, Patrick J., R.I., E905  
 Kildee, Dale E., Mich., E917, E921  
 Kleczka, Gerald D., Wisc., E911  
 Levin, Sander M., Mich., E904  
 Lewis, Jerry, Calif., E905  
 LoBiondo, Frank A., N.J., E899  
 McCarthy, Karen, Mo., E931, E933  
 McGovern, James P., Mass., E900  
 McKinney, Cynthia A., Ga., E930  
 McNulty, Michael R., N.Y., E914  
 Maloney, Carolyn B., N.Y., E901, E937  
 Matsui, Robert T., Calif., E928  
 Meehan, Martin T., Mass., E918  
 Meeks, Gregory W., N.Y., E936  
 Menendez, Robert, N.J., E930  
 Miller, George, Calif., E912  
 Miller, Jeff, Fla., E933  
 Mink, Patsy T., Hawaii, E925  
 Nadler, Jerrold, N.Y., E936  
 Norton, Eleanor Holmes, D.C., E902, E904  
 Owens, Major R., N.Y., E936

Pastor, Ed, Ariz., E937  
 Pelosi, Nancy, Calif., E905, E928  
 Putnam, Adam H., Fla., E914  
 Radanovich, George, Calif., E913, E915  
 Rangel, Charles B., N.Y., E917, E918  
 Riley, Bob, Ala., E910  
 Rogers, Mike, Mich., E910  
 Ross, Mike, Ark., E926, E928  
 Schaffer, Bob, Colo., E907  
 Schakowsky, Janice D., Ill., E932, E935  
 Schiff, Adam B., Calif., E925  
 Shays, Christopher, Conn., E937  
 Shimkus, John, Ill., E916  
 Shows, Ronnie, Miss., E922  
 Skelton, Ike, Mo., E913  
 Smith, Christopher H., N.J., E916, E935  
 Smith, Nick, Mich., E913  
 Souder, Mark E., Ind., E930  
 Stump, Bob, Ariz., E914  
 Stupak, Bart, Mich., E915, E930  
 Sununu, John E., N.H., E922  
 Tanner, John S., Tenn., E917  
 Thompson, Bennie G., Miss., E911  
 Towns, Edolphus, N.Y., E901, E903  
 Udall, Mark, Colo., E899, E932, E935  
 Underwood, Robert A., Guam, E902, E903, E904, E905  
 Waxman, Henry A., Calif., E926  
 Weiner, Anthony D., N.Y., E918  
 Wu, David, Ore., E929



# Congressional Record

provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed at one time. ¶Public access to

the Congressional Record is available online through *GPO Access*, a service of the Government Printing Office, free of charge to the user. The online database is updated each day the Congressional Record is published. The database includes both text and graphics from the beginning of the 103d Congress, 2d session (January 1994) forward. It is available through GPO Access at [www.gpo.gov/gpoaccess](http://www.gpo.gov/gpoaccess). Customers can also access this information with WAIS client software, via telnet at [swais.access.gpo.gov](http://swais.access.gpo.gov), or dial-in using communications software and a modem at (202) 512-1661. Questions or comments regarding this database or GPO Access can be directed to the GPO Access User Support Team at: E-Mail: [gpoaccess@gpo.gov](mailto:gpoaccess@gpo.gov); Phone 1-888-293-6498 (toll-free), 202-512-1530 (D.C. area); Fax: 202-512-1262. The Team's hours of availability are Monday through Friday, 7:00 a.m. to 5:30 p.m., Eastern Standard Time, except Federal holidays. ¶The Congressional Record paper and 24x microfiche will be furnished by mail to subscribers, free of postage, at the following prices: paper edition, \$211.00 for six months, \$422.00 per year, or purchased for \$5.00 per issue, payable in advance; microfiche edition, \$141.00 per year, or purchased for \$1.50 per issue payable in advance. The semimonthly Congressional Record Index may be purchased for the same per issue prices. To place an order for any of these products, visit the U.S. Government Online Bookstore at: [bookstore.gpo.gov](http://bookstore.gpo.gov). Mail orders to: Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954, or phone orders to (866) 512-1800 (toll free), (202) 512-1800 (D.C. Area), or fax to (202) 512-2250. Remit check or money order, made payable to the Superintendent of Documents, or use VISA, MasterCard, Discover, American Express, or GPO Deposit Account. ¶Following each session of Congress, the daily Congressional Record is revised, printed, permanently bound and sold by the Superintendent of Documents in individual parts or by sets. ¶With the exception of copyrighted articles, there are no restrictions on the republication of material from the Congressional Record.